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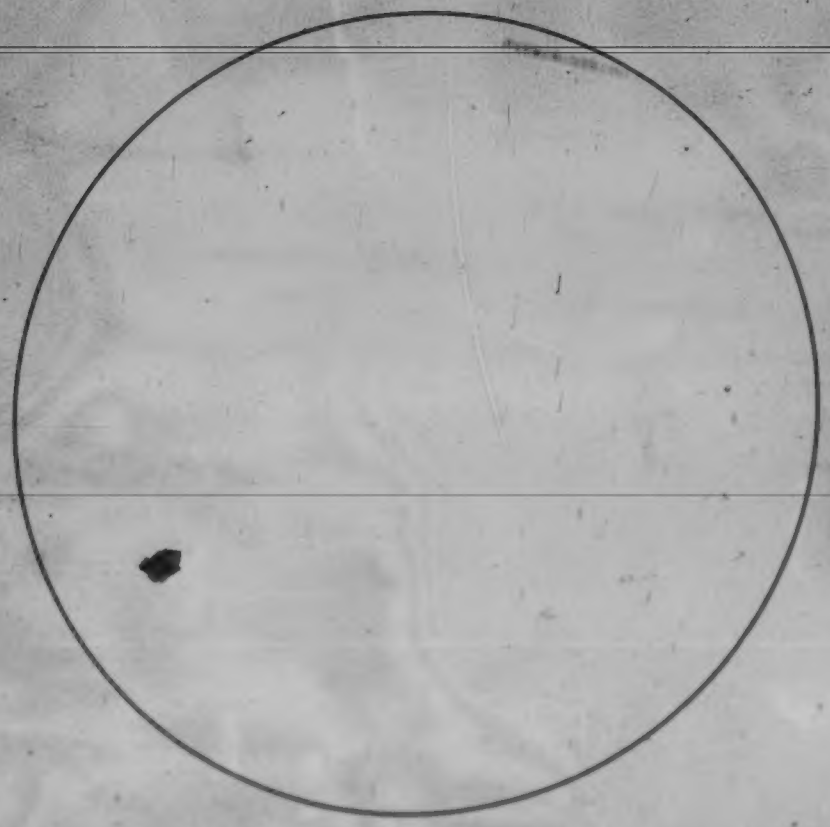

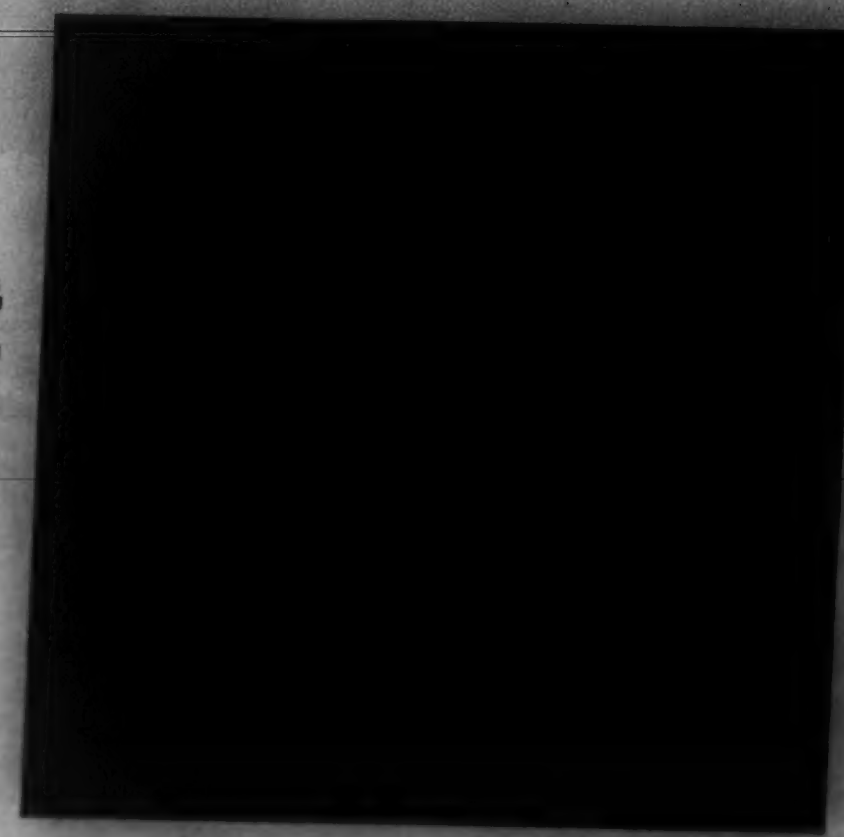

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 354

CHEROKEE FREEDMEN D742 - D792

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1965

Cher.Fr.D-718

Cher.Fr.D-718

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 17, 1902.

In the matter of the application of David Johnson for the enrollment of himself as a Cherokee freedman, and for his wife as an intermarried Cherokee freedman, being sworn and examined by Commissioner Tate, he testified as follows:

Q What is your name? A David Johnson.
Q How old are you? A I guess I am about 26.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Cooweescoowee District.
Q You apply to be enrolled as a Cherokee freedman to your wife, do you?
Q Who do you want to enroll here for yourself? A I have got a wife.
Q What is her name? A Frances.
Q How old is she? A About 24.
Q Have you got any children? A No sir.
Q Are you a recognized citizen of the Cherokee nation? A I have been.
Q Is your name on the roll of 1880? A I don't know.
Q What was your wife's mother's name? A I couldn't really tell.
Q What is her mother's name? A Now you are a little too hard for me.
Q Is your wife on the roll of 1880? A No sir.
Q Is she known as a freed woman? A Yes sir.
Q When were you married to her? A I was married about, this will make seven years.
Q Have you got any children? A No sir.
Q Have you got any certificate of marriage? A No sir. I was married when I was married there wasn't no certificates issued.
Q Where were you married? A At Vinita.
Q Did you get a license? A No sir. They didn't bothering as it was.
Q The court was issuing licenses? A No, when I was married this Arkansas court wasn't established and then and I went before Mr. John Dunnes, he was clerk there then and I went to him and asked him for information for license and he told me if I had been recognized citizen then—
Q Well I don't care what Dunnes said, who married you? A Rev. Samuel Hodge.
Q Is he living? A Yes sir.
Q You have never heard of A No he moved, but I couldn't tell just where he is.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found.
Freedmen roll of citizens of the Cherokee Nation examined and applicant's name not found.
Page 240 Dawes Commission, Cooweescoowee District.
Citizens roll of citizens of the Cherokee Nation examined and applicant identified as
Page 100 Guion Miller Roll, (no direct)

Q What was your father's name? A Wm. Thorn.
Q Is he living? A No sir.
Q What is your mother's name? A Frances Thorn.
Q Is she living? A No sir.
Q Was your father's name on the roll of 1880? A I don't know.
Q Was your mother's name on the roll of 1880? A I don't know.
Q Are you a citizen of the Cherokee Nation? A I have been.
Q Are you a citizen of the Cherokee Nation? A I have been.
Q Are your children citizens of the Cherokee Nation? A No sir.
Q Are your children citizens of the Cherokee Nation? A No sir.
Q Are your children citizens of the Cherokee Nation? A No sir.

David Johnson et al 2

Q Was he a Cherokee citizen? A Yes sir.
Q Was your mother taken out of the Nation during the war? A No sir, she was a slave when she died.
Q You have always lived in the Cherokee Nation yourself? A Yes sir, nowhere else since I was a baby, up to what I am, besides in the Cherokee Nation.

BY CHEROKEE REP'VE W.W.HASTINGS:

Q Where were you married? A At Vinita.
Q Have you ever lived any in Kansas? A No sir.
Q You went down south during the war? A Yes sir.
Q Do you remember going down there? A Well no sir, I was too small.
Q Do you remember anything of the incidents coming back? A Little bit.
Q You were quite small then? A Yes sir.
Q Of course you don't remember yourself the year? A No sir I couldn't tell you the year.
Q Who was along with you, do you remember that or not? A I think I can remember it yes sir, it was my father.
Q What was his name? A Guy. Starr. Was held slave by Cale Starr in Flint, and when Mr. Cale Starr returned back to the old place in Flint then my father helped Cale Starr drive his stock and things back.
Q And then he turned him aloose? A Then we returned and we come back with my father.
Q And then you all came back with Cale Starr? A Yes sir.
Q You know Kate Starr's wife at Tahlequah? A I was small.
Q Did you ever know her name? A No sir.
Q Did you ever know Charlie Starr, who died in Sequoyah District? A Yes sir.
Q Did you come along with him? A Yes sir.
Q Did you know Ellis Buffington, up in Flint, now Superintendent of the Female Seminary? A Yes sir.
Q That's the same man? A Yes sir.
Q Did you come back as he came? A Yes sir.
Q Did you live with him awhile? A Yes sir.
Q Where did you live first after the war? A I lived right on this side of Mt. Smith in the Territory, right back of a place, the old Benge farm, my father in his lifetime before he died attended old Benge's farm a year or two year, I don't remember which, I was getting up pretty good sized boy, and after my father died Ellis Buffington's brother took me away from my step-mother and taken me to Big Sallisaw.
Q Does Ellis Buffington know when you came back here? A He ought to know.
Q Did he come back with you? A That's everything I couldn't tell.
Q How about your witness, Jerry Foster, did he come back with you? A I think he did, I aint sure.
Q You have been living in the Nation ever since you come back? A Yes sir.
Q What about this other fellow, George Starr, did he come back with you? A He was held by the same man.
Q You don't know whether he came back with you or not? A No sir, not really particular.
Q You don't know about that? A No sir.

BY CHEROKEE REP'VE L.H.MILL:

Q Do you know what your mistress' name was? A Mary Jane Johnson.
Q She was a sister of old Cale Starr? A I think she was some relation of Cale Starr.

BY CHIEF BENGE:

Q She was otherwise Indian? A Yes sir.
Q Who was your master? A It was old Cale Starr, she was a widow, old Jim Johnson, old married Jim Johnson, that was old Ben Benge's son, and she married the old man he died and left me with

her, Mary Jane Johnson, and my mother.
Q Did yourmother belong to Mary Jane Johnson? A Yes sir.
Q Your father too? A No sir, my father belonged to different man. Belonged to Cale Starr.
Q Cale Starr was aCherokee citizen was he? A Yes sir.
Q You don't recollect much about being taken out of the Nation, you was a child, a baby? A Yes sir, I was a small child.
Q You recollect that you was taken out? A Yes sir.

JERRY FOSTER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jerry Foster.
Q How oldare you? A I am about 50 somewhere along there I guess.
Q You are a recognized Cherokee Freedman?A Yes sir.
Q Your name on the roll of1890?A Yes sir.
Q Do you know the applicant here, David Johnson? A I know him when he was a baby.
Q What is his father's name? A Guy.
Q His mother? A Jane.
Q Who did his mother and father belong to? A His mother belonged to Jim Johnson and his father belonged to Mrs. Starr.
Q They were Cherokee citizens? A Yes sir.
Q Indians? A Yes sir, Cherokee Indians.
Q You know , was this boyhx xxxx David taken out of the Nation during the war? A I think they went to the Choctaw Nation, I don't know.
Q Father and mother? A Yes sir.
Q You know when they returned? A No sir, I don't.
Q Don't know anything about that? A No sir.
Q You have been knowing David all his life? A Yes sir, I knowed him ever since he was a little xxx kid.
Q He was born and raised in the Cherokee Nation?A Yes sir.
Q Born a slave? A Yes sir.

GEORGE STARR, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A George Starr.
Q How old are you? A I am 48.
Q What is your post-office? A Hayden.
Q Are you a Cherokee Freedman?A Yes sir.
Q Is your name on the roll of 1890? A No, none on but my oldest boy.
Q Do you know David Johnson, the applicant here? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q What was his father's name? A Guy Starr.
Q What was his mother's name? A Jane Johnson.
Q Who did Guy Starr belong to? A Cale Starr.
Q He was a slave then was he? A Yes sir.
Q Who did this applicant's mother belong to? A Jim Johnson.
Q Jim Johnson was a Cherokee citizen by blood? A Yes sir.
Q You have stated to the father and mother, and himself were taken out of the Cherokee Nation during the war? A They went to the Choctaw Nation.
Q Did they come back with them? A Yes sir.
Q You know when they came back? A They came back with Cale Starr, but I don't know when.
Q Have you been knowing David all his life? A Yes sir.
Q He is over born out of the Nation and raised? A Yes sir, born and raised in the Cherokee Nation.

APPLICANT, DAVID JOHNSON, being duly sworn and examined, testified as

David Johnson et al 4

BY COM'R NEEDLES:

Q Was your wife a slave? A I think she was.

Q You don't know who her father and mother was, or anything about her? A No sir.

Q Have you got any proof of marriage to her? A I have got only the people.

Q Are they here? A No sir.

Q You were married before you married Frances? A Yes sir.

Q What was your wife's name? A Mintie.

Q Is she living? A Yes sir.

Q Did you get a divorce from her? A Yes sir, she went and married before I did.

Q But did you get any legal divorce from her? A Yes, she told me she was going to leave me.

Q Did you get a divorce in the courts? A No sir.

Q Was her name Mintie? A Mintie Vann.

Q You and her just separated and then you married Frances? A Yes sir.

Q Was Frances ever married before she married you? A No sir.

Q What was Frances' name before you married her? A McCoy.

Com'r Needles: David Johnson applies for the enrollment of himself and wife Frances; his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kernelsliffton pay roll and the Wallace roll; he avers that he was married to one Frances McCoy, whom he avers to be a Cherokee freedman, about 7 years ago; he presents no proof of his marriage; he also avers that he was formerly married to one Mintie Vann, from whom he was not divorced, and that she is still living; he avers that he is a child of Guy Starr and Jane Johnson, who were slaves, his father belonging to Cale Starr, and his mother to Mary Jane Johnson, Cherokee citizens; he avers that he was taken out of the Cherokee Nation when a child, now only being 38 years of age, and returned when he was a child, having been taken to the Choctaw nation; he makes satisfactory proof as to his residence, he having lived in the Cherokee nation all his life since his return; by reason of the fact that he is not upon the authenticated roll of 1880 and no satisfactory proof has been made as to the fact that he returned in time specified by the Treaty of '66, although he was a minor child when he was taken out and minor when he returned, he will be now listed for enrollment as a Cherokee freedman on a doubtful card.

He offers no testimony as to the citizenship of his wife, Frances, and makes no proof of his marriage; consequently Frances McCoy will be only listed for enrollment as a Cherokee freedman on a doubtful card; he avers that his wife was what is known as a white related woman, but makes no satisfactory proof of his marriage, and no proof whatever as to legal divorce having been obtained between him and his first wife, Mintie Vann, he having been separated from her, and she at this time being alive.

R. Robinson, being first duly sworn, states that at stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript; affiant further states that he is not related and were to be of a kin to any party.

[illegible]

"R"

Cherokee Freedman D 742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of David Johnson for the enrollment of himself and wife as Cherokee Freedman.

Appearances:
W.W.Hastings, af attorneys for the Cherokee Nation.

BY COMMISSION: The Cherokee Nation by its attorneys makes satisfactory proof of service on said David Johnson that it would introduce testimony tending to disprove his right to enrollment as a Cherokee Freedman at the offices of the Commission on the 3rd day of March,1902; applicant has this day to-wit: 3rd day of March,1902, been called three times, and fails to respond, either in person or by attorney.

ELLIS W. BUFFINGTON, being first duly sworn and being examined testified as follows:
BY W.W.HASTINGS:
Q What is your name? A Ellis W. Buffington.
Q What is your age? A 53.
Q Do you know Cale Starr? A Yes sir.
Q When did he leave Texas after the war? A He left there in the winter of '65, in December, or January, 1866, I don't know exactly which; they didn't live right where we lived; we lived about forty miles apart. I think though it was December,1865.
Q Did you overtake them on the road to the Cherokee Nation?
A Yes sir, in May '66, on Sans Bois in the Choctaw Nation.
Q Did you come on from the Choctaw Nation to the Cherokee Nation with Cale Starr? A Yes sir.
Q How long did you stay down on Sans Bois? A We stayed there during the summer of '66, from May until October or November.
Q Come on in the fall of '66? A Yes sir.
Q Into the Cherokee Nation? A Yes sir.
Q I will ask you if a colored man named David Johnson came with you and Cale Starr to the Cherokee Nation? A No sir.
Q How long after you were in the Cherokee Nation until youseaw David Johnson? A Well it was in '68, I am pretty certain it was '68; my mother found him down there at Fort Smith on this side of the river, on the Jackson King farm, and brought him to our house, and that was the first time I saw him.
BY COMMISSION:
Q You don't know when he came back here? A No sir.
Q Was he in the Cherokee Nation when you first saw him? A Yes sir.
Q Any slaves came back with Cale Starr when he came in '66?
A There was two, one named Rattlest Johnson and the other one was named a little girl, my grandmother raised, named Sallie.
Q What became of this Rattlest Johnson? A I heard that he was dead; he did live up on Big Creek in Cooweescoowee; he was an uncle of this Dave Johnson.
Q These are the only people that came with Cale Starr? A Yes sir. Only darkies.

N.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 4,1902.

Cher. Fr. D-742.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of DAVID JOHNSON as a Cherokee Freedman.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation

DAVID JOHNSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Dave Johnson.
Q How old are you? A I just really couldn't tell you how old I am.
Q Were you born since the close of the war? A Yes sir, just at the beginning of the war, I think, somewhere near.
Q Were you born during the war, or before the war began? A That's a little too hard for me to tell. My mother was a slave when I was born, but I couldn't tell you anything about just when it was.
Q You don't know yourself whether you were born before or during the war? A No sir.
Q Were you taken out of the Cherokee Nation during the war?
A No sir.
Q Never taken out at all? A Not as I know of, no sir.
Q Do you remember the war yourself? A No sir, not at all. I was too small.
Q Then you couldn't remember whether you were taken out or not?
A No sir, I couldn't really say whether I was taken out or not.
Q Do you remember whether you and your parents came back with Cale Starr or not? A Yes sir, that's what I was told, all returned back.
Q You were always told you came back with Cale Starr after the close of the war, you and your father and mother? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 26th day of October, 1903.

Chas. Mackey
Notary Public.

Cherokee Freedmen D 741.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 29, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON, ET AL., as Cherokee freedmen.

It appears that on July 1, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 29, 1904, and there and there introduce further testimony touching the points mentioned in said letter, and the case is by agreement taken up this day.

APPEARANCES:
Applicant, David Johnson, appears in person and by attorney, J. Garfield Buell.
Cherokee Nation by its representative, James I. Davenport.

AMOS ADAIR, being first duly sworn, testified as follows on behalf of the applicants:

By the commission:
Q What is your name? A Amos Adair.
Q How old are you? A I am past 70.
Q What is your postoffice address? A Fort Gibson.
Q Do you know the applicant in this case, David Johnson? A Yes, sir.
Q About how old is he? A Dave, I guess, let me see, he is about 40 years old.
Q How long have you known him? A I have been knowing him ever since he was a little boy.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Jane.
Q Jane what? A Johnson.
Q Did you know his father? A Yes, sir.
Q What was his name? A Gabe Starr.
Q When did you first know the applicant's father and mother?
A Away in slavery time.
Q Before the war? A Yes, sir.
Q Were they both slaves of Cherokee citizens before the war? A Yes, sir.
Q Who did the applicant's mother belong to? A Jane Starr.
Q Who did his father belong to? A Old Mrs. Starr.
Q They were recognized Cherokees by blood, were they? A Yes, sir.
Q Do you know where the applicant's mother went during the war?
A No, sir, I don't.
Q Do you know when she first returned to the Cherokee nation after the war? A No, sir, I don't know anything about that.
Q When did you first see her after the war? A I did see her some time the war.
Q Is she living now? A She is dead, I reckon.
Q You have never seen her since very soon the war? A No, sir.

By Mr. Buell:
Q About how old was David during the war? A Some of them, lived with his right here at Gibson.

By the commission:
Q Was this applicant here born before the war? A Yes, sir.
Q How long before the war? A He was a little bittie child when the war commenced.
Q About how old was he? A I guess eight or nine years old, to my best knowledge.
Q Where did he and his parents live when the war came up? A Up there in the Territory, belonged to Jim Johnson.
Q What Territory? A Cherokee Territory, Flint district.
Q Near what town? A Near Evansville.
Q And the applicant here was some eight or nine years old, you think, when the war come up? A I think he wasn't much older.
Q You know he was born before the war? A Yes, sir.
Q Do you know when he first came back to the Cherokee Nation after the war? A No, sir, not exactly.
Q When was the first time you ever saw him in the Cherokee Nation after the war? A Been 10 or 12 or 13 years.
Q That is the first time you saw him after the war? A Yes, sir.

By Mr. Davenport:
Q You say Dave and his mother belonged to Jim Johnson when the war broke out? A Yes, sir.
Q How far were you living from there? A No more than eight or nine miles.
Q Where is Jim Johnson now? A Lives right up above Sam Mayes' there.
Q Now? A He did then.
Q Before the war? A Yes, sir.
Q What side of Grand river? A East side of Grand river.
Q Dave nor his father or mother didn't belong to Jane Starr when the war broke out? A Belonged to them Starrs, and when Mrs. Starr died he went to Jim Starr's wife.
Q You said Jim Johnson while ago? A He belonged to Jim Johnson.
Q Did he and his mother belong to Jane Starr or Jim Johnson at the breaking out of the war? A His mother belonged to Jim Johnson; Jane Starr was Jim Johnson's wife.
Q Was Jane Starr living when the war broke out? A She was.
Q She was a Mrs. Johnson then? A Yes, sir.
Q Do you know who her mother and father were? A Old Starr was the father of her; old Sam Johnson was the father of Jim.
Q What was their father and mother's name, of course it was Starr?
A I don't know, I knew Jim's father was named Jim.
Q I was asking you about the Starrs? A His wife was old Mrs. Starr's daughter.
Q Do you know whether or not Jane Starr had any brothers or sisters? A She had brothers.
Q What were their names? A Zeke, Sale, Hickory, Buck.

Commission: This case will be continued until September 15, 1906.

E. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W. M. Vance

Subscribed and sworn to before me this 10th day of December, 1906.

C. Hamilton Davenport
Notary Public

Cherokee F D.742.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of DAVID JOHNSON ET AL., as Cherokee freedmen.

It appears that on August 30, 1904, notice by letter was sent to the applicant and to the attorneys for the Cherokee Nation that this cause would be opend for the hearing of further testimony on September 15, 1904.

APPEARANCES:
Applicant appears in person and by attorney, F. M. Smith.
Cherokee Nation by its representative, L. B. Bell.

JERRY FOSTER, being first duly sworn, testified as follows:

BY MR. SMITH:
Q What is your name? A Jerry Foster.
Q How old are you? A 50 some odd.
Q Where do you live? A Ceowweescowee District.
Q What is your post office address? A Eufaula, I. T.
Q Where were you raised? A In Flint District.
Q Were you there during the war of the late rebellion? A Yes.
stayed there until the war and come to Fort Gibson during the war.
Q You know the applicant Dave Johnson? A Yes sir before I knowed myself.
Q Did you know his mother? A Yes sir.
Q How long did you know her before the war? A I don't know how long.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A To the Fosters first and the last I belonged to Mr. Bell's sister, Betsy Bell.
Q Who did Dave Johnson's mother belong to? A Jim Johnson, Jim Johnson's father.
Q Who owned her at the time the war broke out? A Jim Johnson.
Q Was she married at that time or not? A Yes sir she married Daff Starr.
Q Was Daff Starr living at the breaking out of the war? A Yes sir.
Q When did you last see Dave Johnson's mother? A I haven't seen her since they left, I think she died in the Cherokee Nation.
Q When did she leave? A She left during the war.
Q Who did she go with? A Jim Johnson.
Q Where did they go to? A Cherokee Nation.
Q You never saw her any more? A No sir.
Q When did you see Jim Johnson again? A I never saw him any more, he died too.
Q During the war? A Yes sir.
Q When did you see Jim Johnson's wife again? A I never seen her any more.
Q When did you see Dave Johnson? A He was alone in the spring of 1867 I think. I was up at Muskogee then he go to Delaware.
Q Have Delawares relatives to Johnson? A No sir.

Q What was Buffington's first name? A Ellis.
Q What size was Dave Johnson at the breaking out of the war? A I think two years old.
Q When you saw him again with Buffington about what size boy was he? A About that high (indicating).
Q About what age was he? A Must have been about 13, somewhere along there I think.
Q You say that was in the spring of '67? A Yes sir.
Q Do you know how long he had been back in the Cherokee Nation at that time? A No sir I don't, they claim that he had a farm there.
Q The year before? A Yes sir.
Q Who claimed that? A Ellis Buffington. I was talking to him about this boy and I asked him about his mother and he said she was dead.
Q Did he tell you where she died? A I think he said in the Choctaw Nation.
Q When after that did you see Dave again? A I never saw him until his uncle carried him up to Big Creek.
Q Where you live now? A Yes sir.
Q About how old was he then? A I couldn't tell just how old he was, he was a boy yet.
Q Where has he lived since that time? A Up there on the creek, and at Vinita.
Q How long after you saw him with Ellis Buffington before you saw him on Big Creek? A Must have been a year or so, his uncle went and got him.
Q Went from Big Creek? A Yes sir.
Q After you saw him when about two years old with his mother, you never saw his mother any more? A No sir.
Q The next time you saw him he was with Buffington and you inquired about his mother? A Yes sir.
Q How did you know that they went to the Choctaw Nation during the war? A I just know what Buffington told me.
Q Did he tell you how long they had been there? A No sir I never asked him.
Q Did you ask him when they went? A When they went there they started from home.
Q Were you there when they started? A I was there when they left, I stayed there quite awhile.
Q When you saw him with Ellis Buffington in the spring of '67, did you see his father? A No sir, they told me his father had been living down about Fort Smith. I never seen Buff any more.
Q Do you know whether or not he was dead at the time you saw Dave at Buffington's? A No sir he wasn't dead then.
Q Do you know how long after that before he died? A No sir I don't, he died afterwards.
Q You stated from Buffington that his mother died between the time she left here and went to the Choctaw Nation and the time you saw Dave Johnson at Ellis Buffington's in the spring of 1867? A Yes sir.
Q Did you know of Dave Johnson ever being out of the Territory to live? A No sir I don't, he didn't since he had been back here.
Q Are you related to Johnson in any way? A No sir not at all, just acquainted with him.
Q Have the people that raised you related to the people that raised him? A Yes.
Q How far did they live from you? A About half a mile.
Q How long had you lived that close? A I was born there, I and Dave Johnson married boys from there.

BY MR. WELL:

Q About what size was you when the war began? A I was pretty good size.

Q 10, 12, 13, 14, or 15 years old? A Somewhere along there.

Q Where were you living when the war broke out? A Right there on the old place, the other side of Sam Hayes' old place.

BY THE COMMISSION:

Q You saw you knew both the father and mother of David Johnson?

A Yes sir, I knew them both.

Q The father was owned by whom? A By Mrs. Starr.

Q And the mother by whom? A Jim Johnson.

Q How far did you live from them at the beginning of the rebellion?

A About half a mile or more.

Q Where did you go during the rebellion? A I stayed there and then come here to Fort Gibson and stayed there until the war was over.

Q You were not out of the Cherokee Nation during the rebellion?

A No sir.

Q You think this boy was born before the war began? A Yes sir he was born about two years before the war began.

Q Was he born a slave? A Yes sir.

Q Of his mother's owner? A Yes sir.

Q Was he owned by -----? A Jim Johnson and Mary Jane.

Q And they went down in the Choctaw Nation during the war? A Yes sir.

Q And you don't know when the mother returned if she returned?

A No sir, I think she died down there.

Q In the Choctaw Nation? A Yes sir.

Q You never did see her in the Cherokee Nation after the rebellion?

A No sir.

Q When did you see his father after the war? A I haven't seen his father at all.

Q Do you know whether he returned to the Cherokee Nation? A I understand he was living in Fort Smith bottoms.

Q In Arkansas? A No sir, Cherokee Nation.

Q

Q You don't know that of your own knowledge? A No sir.

Q When was it you first saw this boy in the Cherokee Nation after the rebellion? A Along about the spring of '67.

Q And he returned with whom? A Ellis Buffington the fellows name what he was staying with.

Q Is Ellis Buffington living? A I guess he is, I don't know.

Q You have testified in this case before haven't you? A Yes sir I have, of course I couldn't tell when they come back.

Q What time in the spring of '67 do you think it was? A It was along in the spring. I don't know exactly what month.

Q As late as May? A Somewhere along there.

Q Where did you see them? A Down here on Ballinger.

ELLIS STARR, being first duly sworn, testified as follows:

BY MR. SMITH:

Q What is your name? A Ellis Starr.

Q What is your age? A 21.

Q What is your post office address? A Ballinger.

Q What was your father's name? A [illegible]

Q How long have you been living on Ballinger? A About eight years.

Q Where did you live about the time of the breaking out of the Civil war? A In Flint District.
Q How far from Sallisaw? A About 30 miles.
Q Did you know a colored man by the name of Cuff Starr? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q Do you know whether or not he was married at the time of the breaking out of the war? A Yes sir.
Q Who did he marry? A Jane Johnson, a colored woman.
Q Who owned Cuff Starr at the breaking out of the war? A My grand-mother, Polly Starr.
Q Who owned his wife? A Jim Johnson.
Q Did they have any children before the breaking out of the war or about that time? A One just about the beginning of the war.
Q How old was he about that time? A He was just a baby.
Q Boy or girl? A Boy.
Q Did you know his name? A His name was Dave.
Q How long did Dave Johnson live there after the breaking out of the war in that neighborhood? A I think it was about '61 when they first moved down close to Fort Smith out of Flint and still in the Cherokee Nation, and they moved on into the Choctaw Nation, and I was out there in '62 and I believe that Jane was dead but I saw Dave there. I know certain that she was dead but it seems to me that she was———
Q Did you see his father? A Yes sir he was there.
Q How long did you stay there? A At that time I stayed five or six months, and my mother come and got me and in '64 I went back out there to my Aunts, Jim Johnson's wife, and stayed there until she moved across———
Q When did she move back? A In '66 in the fall like, September or October, made a crop there and then moved back.
Q Was Dave with her at the time? A Yes sir I came across the river with him.
Q How long did Dave stay with Mrs. Johnson? A I couldn't tell you for certain, I lived there and stayed with Uncle Hickory Starr, and I heard his father come and get him and taken him to Fort Smith, and I heard Cuff died there, and Dave got back up to Aunt Betsy's, I saw him there.
Q What time did you see him? A About '67 sometime.
Q Do you know what became of him after that? A I heard his uncle came and got him, Reuben Johnson, and carried him off up to the northern part of the Nation somewhere.
Q Did you ever see him after that? A No sir, not until now, I would know him by that mark.
Q He is the same one to be? A Yes sir.
Q You are a Cherokee are you? A Yes sir.

MR. WELL:
Q Where were you living during the war? A I was part of the time in Muskogee County, and then went to Uncle Ned's and Aunt Mary Jane Johnson's.
Q What year was you at the age? A I think about '62, along in the fall of '62 that I left there and came back to Fort Smith.
Q You stayed at Fort Smith the balance of the war? A Yes sir.
Q What makes you think it was '62 that Mrs. Johnson died? A The reason why I think it was the sixth year after peace, had I went over there and I was 12 years old, and the next year I started for Uncle Henry's to live, and I kept run of the time all the way along

Q When Mrs. Johnson moved back did she stop at your mother's?
A No sir, my mother still lived at Fort Smith, when we crossed the river we crossed in sections, she moved right on to that old place where Charley Starr lived, that is where she brought Charlie
Q I thought you were at Fort Smith? A I went to Aunt Mary Jane's and come down there after the war. She was there then that she brought Uncle Jim Johnson, her husband there in '66 after he died, she went back out there, and it was in the spring of '66 her and Uncle Mickery's wife, Aunt Sally ~~come down there in a wagon, and~~ Aunt Sally taken sick and died down there, and Aunt Mary Jane taken me back down there.
Q Tell where San Bois was? A Right where it has been all of the time. San Bois is a creek down there, it is about 30 or 35 miles from Fort Smith.
Q Where did you come into the Cherokee Nation at? A We crossed right there just below the mouth of Vian Creek.
Q And that is where your Aunt brought the applicant here across to the country? A Yes sir.
Q And that was in what year? A '66.

BY THE COMMISSION:
Q When Mrs. Johnson and her husband, did they go to the State of Texas during the rebellion? A I don't know whether they were across into Texas or not, not to my knowing, they may have, they were on Red River.
Q And Mrs. Johnson and her husband came to Fort Smith in '66?
A Yes sir.
Q Did they have Dave Johnson with them at that time? A No sir they never brought Dave down there.
Q Who brought Dave Johnson into the Cherokee Nation after the rebellion? A Aunt Mary Jane Johnson.
Q Did she go back down there and get him? A She went back and lived out there ~~without~~ after her husband died, she just had him there to the doctor.
Q When did she leave Fort Smith to go back to the Cheoter Nation, or wherever it was down there? A I think it was in the fall of the year, they were not there very long, until Uncle Jim died, and then she went back.
Q Do you think it was in the fall of '66? A Yes sir.
Q And how long do you think they were down there before they returned bringing the applicant with them? A It was pretty nigh a year if it was in the fall, that is my recollection that it was in the fall.
Q Who also came with her? A One of her brothers, Zeke Starr.
Q Zeke Starr came back with her at the time Dave Johnson came?
A Yes sir, and my father, Buck Starr, was with her.
Q Did Cale Starr come in that bunch? A They were moving about the same time, Uncle Cale crossed the river at the same place about the same time.
Q The applicant, Dave Johnson, to your knowledge was born a slave prior to the beginning of the rebellion? A Yes sir just about the beginning of the rebellion.
Q Do you know when Bill Darrington returned to the Cherokee Nation? A Yes sir.

Q. Did he come back in that same party? A. Along about the same time. They all lived in the settlement together there in the Choctaw Nation, I think him and his mother moved over a little befor e the others came.

This case was here continued by agreement to November 14, 1904.

H. N. Vance, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H N Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles T. Lamson

Notary Public.

Cherokee Freedmen-D-742.

860

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David Johnson et al. as Cherokee Freedmen.

DECISION.

The record in this case shows that on June 17, 1901 David Johnson appeared before the Commission, at Newata, Indian Territory and made application for the enrollment, as Cherokee Freedmen, of himself and his wife, Frances Johnson. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on March 3, 1902, at Vinita, Indian Territory on September 24, 1903, at Muskogee, Indian Territory on September 15, and on November 14, 1904. The rights of the said Frances Johnson, being differently classified, she is not embraced in this decision.

The evidence herein further shows that the principal applicant, David Johnson, was born about the commencement of the war of the Rebellion, and that his mother, Jane Starr, was the slave of a Cherokee Citizen and resided in the Cherokee Nation at the beginning of said war; that the applicant, with his mother, was taken out of the Cherokee Nation during said war, but returned thereto within the time specified in the Decree of the Court of Claims, rendered on February 3, 1896 in the case of Moses Whitmire, Trustee, etc. vs Cherokee Nation et al., for the return of Cherokee Freedmen to said Nation, and the applicant has since resided therein.

It is, therefore, the opinion of this Commission that David Johnson should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles
Commissioner.

Muskogee, Indian Territory.

C. R. Breckinridge
Commissioner.

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

by delivering a true copy thereof on the

..... day of .... A. D. 190.

Given under my hand this ....

day of .... A. D. 190

....

, Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the . day of A D 190

Subscribed and sworn to before me this

Notary Public

NOTICE!

IN THE MATTER OF the application of David Johnson, Vinita, I. T.
for enrollment as Cherokee Freedmen:

Case No. F. D 742.

To David Johnson:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 24, 1902.

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

MARSHAL'S RETURN.

INDIAN TERRITORY,
Cherokee Nation. } SS.

I HEREBY CERTIFY That I received the within summons on the.....day of.....1901, and that I served the same by copy, as follows:

Personally on ..... at ..... this..... day of.....1901

Personally on ..... this..... day of.....1901

Personally on ..... at..... this..... day of 1901

At residence of ..... at ..... this..... day of..... 1901

At residence of..... at ..... this..... day of 1901

At residence of..... at ..... this ..... day of 1901

With a member of witness's family over fifteen years of age there residing.

Marshal for the Cherokee Nation

F.B. Zeile -

all Right I will be on hand on the day set O.W. Buffington

SUBPOENA.

INDIAN TERRITORY,
Cherokee Nation.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summon H. W. Buffington

to be and appear before the United States Commission at Muskogee, I. T., in District on the 3rd, day of March, 1902 there and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given under our hand s this the 18 day of Feb. 1902

L. B. Bell.
W. W. Hastings.
J. S. Davenport.
Attorneys for the Cherokee Nation.

F.D. 742 -

MDG

COMMISSIONERS
TAMS BIXBY
TAHLEQUAH, I. T.
MEALEY
MUSKOGEE, I. T.
WM. C. BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-742.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of David Johnson, for the enrollment of himself and others, as Cherokee freedmen, you are advised that before the commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether his mother was the slave of a Cherokee citizen before the war and returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

The applicant has, therefore, this day been directed to appear before the commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M., on Wednesday, July 27 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire in rebuttal of that offered by applicant.

Respectfully,

Commissioner in Charge.

Attach

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. MERRIAM,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

Cherokee Freedmen
DEPARTMENT OF THE INTERIOR. D-742, et al.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 15, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

Freedmen D-742---------- David Johnson, et al.,
Freedmen D-720----------Amy Shields,
Freedmen D-61---------- Jesse Orr,
Freedmen D-661---------- Ida Johnson, et al.,
Freedmen D-1151---------- Henry Taylor, et al.,
Freedmen D-83---------- Pauline Hill, et al.,
Freedmen D-344---------- Jackson Ann Harrison, et al.

Respectfully,

Chairman.

Inel. 8-98.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Refer in reply to the following:
Cherokee Freedmen
D-742.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of David Johnson as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest with the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. 8-157

Cher. Fr. D-743

Cher. Fr. D-743

File with Annie Foster, Central C.F.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 17, 1901.

In the matter of the application of Phillip Foster for the enrollment of himself, his wife and four children as Cherokee Freedmen, his wife as a Cherokee Freedman by intermarriage.

Phillip Foster being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Phillip Foster.
Q How old are you? A About 48 or '9, I don't know exactly.
Q What is your post office address? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to have enrolled besides yourself? A Myself and four children.
Q What is your wife's name? A Annie.
Q Is she living? A Yes, sir.
Q What was her name before you married her; is she a citizen?
A No, sir.
Q You don't apply for her? A No, sir.
Commissioner: Well, you had better apply for your wife; you don't know what might happen; they are applying for them all over the country.
Q What are the names of your children? A George Washington.
Q How old is George W.? A 18.
Q What is the next one? A Walter.
Q How old is Walter? A 14.
Q What is the next one? A Arthur.
Q How old is Arthur? A 8.
Q What is the next one? A Ada.
Q How old is Ada? A 5.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Phillip Foster identified thereon, page 144, No. 1076, Coowescoowee district, as Phil Foster.

The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

Phillip Foster on page 404, No. 188, Coowescoowee district;
George W. Foster on page 404, No. 189, Coowescoowee district;
Walter Foster on page 404, No. 190, Coowescoowee district;
Arthur Foster on page 404, No. 191, Coowescoowee district.

Q When were you married? A Married in 1884.
Q Were you ever married before you married Annie here? A No, sir.
Q Is she your first wife? A First wife, yes, sir.
Q You are her first husband? A No, I am her second.
Q Was her first husband living when you married? A She had said they parted; he had been married again a couple of years.
Q Do you know whether she got a divorce? A No, sir, I don't know whether she did or not.
Q Well then the death of this husband, you say you were married in 1884 and been living continuously with this woman since that time?
A Yes, sir.
Q What was your wife's first husband's name? A [illegible]
Q Is she here? A No, sir, she is sick.
Q And you don't know whether [illegible] or not? A No, sir.
Q Do you know whether they were married? A They married, they [illegible] I guess it was as they married like [illegible]
Q Did any of your children live with you [illegible]? A [illegible] by me.
Q Has had another husband, did she? A I don't know anything [illegible] or not.

By V. W. Hastings, Cherokee attorney: How long did your wife live with her former husband, as husband and wife? A I can't tell you that.

Q How long did you know her before your married her? A I knew her two or three years, somewhere along there.

Q Was she living with this man at that time? A Yes, she was living with him then, she was living with him a while, I don't know how long they lived together, but they parted two or three years before we married.

Q You don't know how long she lived with him as husband and wife? A No, sir.

Q She had two children by him? A Yes, sir.

Commissioner: You know they were by him? A She said they was, I wasn't there.

Q Now what proof have you got of your marriage to Annie, your present wife? A I have got a certificate here (hands Commissioner paper.)

Commissioner: The applicants presents a marriage certificate certifying that he and Miss Annie White were married on the 12th of September, 1884, at the residence of the bridegroom, according to the laws of the State of Kansas.

Q Were you living in Kansas when you married? A No, sir, I was living here, the man lived in Kansas that married us.

Q Where did he marry you? A Married me right here in the Nation.

Q You and Annie been living together continuously ever since? A Yes, sir.

Q Living together now? A Yes, sir.

Q Annie is the mother of all these children, is she? A Yes, sir.

Mr. Hastings: This is the correct date of your marriage?

A Yes, that is what the man gave us that married us.

Q And this woman is the mother of all your children that you have applied for? A Yes, sir.

Q How you have given the age of one of them as 18, the oldest?

A That is my oldest child.

Q Is that your oldest child by this woman? A I took it like the old Indian law was, we lived together a while before we married here.

Q That this child was born before you married her? A Before I lawfully married her.

Commissioner: George W. was born before you were lawfully married to your wife, this woman? A Yes, sir.

Q And you was a man citizen? A Yes, sir.

Q Have you got any certificate of birth as to this youngest child, Ada? A No, I have her age down in the bible at home.

Q You haven't got any proof of birth yet? A No, sir.

Commissioner: Phillip Foster applies for the enrollment of himself and four children, to-wit, George W., Walter, Arthur, and Ada. He also applies for the enrollment of his wife, Annie, as a citizen by intermarriage. He makes proof of his marriage to said wife, by a certificate that he files, certifying that he was married on the 12th of September, 1884. It appears that his wife lived with a man, Jackson White, but whether she was married to him or not he does not know, but they lived together for two or three years as husband and wife. He proves that his oldest child, George W., was born before his marriage with his present wife, Annie, he himself never having been married before. He proves that his three younger children, Walter, Arthur and Ada, were born since the marriage. He is only identified with the authenticated roll of 1896, as will on the census roll of 1896. His three oldest children are only identified upon the roll of 1896 according to page and number of the roll as indicated in the testimony. He [illegible]

satisfactory proof as to his residence. He makes no satisfactory proof as to the birth of his youngest child, Asa, it having been born after the said rolls were compiled, and it will be necessary for him to file satisfactory proof of its birth. Said Phillip Foster will be listed for enrollment as a Cherokee Freedman. His wife's name will be listed for enrollment as an intermarried Cherokee Freedman on what is known as a doubtful card. His four children as enumerated herein will be listed for enrollment as Cherokee Freedmen, but it will be necessary for him to make satisfactory proof of the birth of the youngest child. The status of his oldest child, George V., depends upon the interpretation of the law as to the legitimacy of said child, it having been born before the marriage. Also, attention is drawn to the fact that there is no satisfactory proof or evidence as to the marriage of Annie Foster, the wife of the applicant, with Randolph White, neither is there any proof of divorce.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the enrollment of this child under this judgment, for the reason that the father of the child admits that the mother of this child is a state raised woman, and that she had been previously married, as shown in the testimony herein set forth fully, and admits that she had two children by this man with whom she lived, and whom she held out to the world as her husband, and if this be true, the second marriage was an illegal marriage, and the children cannot be legitimate, and would necessarily follow the mother.

oooo-oooo

Bruce G. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 24th of June, 1921.

Commissioner.

Supl.C.F.-D.#741.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ANNIE FOSTER as a Cherokee freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. W. W. Hastings, for Cherokee Nation.

The Cherokee Nation makes satisfactory proof of service of notice on the said Annie Foster that testimony would be introduced in the matter of her application for enrollment as a Cherokee freedman at Fort Gibson, Indian Territory, September 20, 1901. Said Annie Foster has been called three times and fails to respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decisions of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

---oooOOOooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this September 23d, 1901.

C. R. Richards

Commissioner.

4. D. 743

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of Annie Foster for enrollment as a Cherokee Freedman:

Case No. F. D. 743

To Annie Foster Dewey I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 20th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of 1901.

P. B. Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

Cher. Fr. D-744

Cher. Fr. D-744

To be filed in case of Alexander Alberty, CFD-744.

Mollette & Smith, attorneys for applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 15, 1901.

In the matter of the application of Jim Alberty for the enrollment of himself and his two grandchildrens Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Jim Alberty.
Q Who is it you want to enroll; anybody besides yourself? A Yes sir, two grandchildren.
Q You want to enroll yourself and two grandchildren? A Yes sir.
Q Are these grandchildren orphans? A They have a living mother, but I keep them.
Q How old are you? A Seventy.
Q What is your post office? A Chouteau.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A From the first of my recollection until now.
Q About all your life, have you? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A I have drawed money; I am certain I am not on the 1880 roll.
Q You are partly recognized? A Yes sir.
Q Were you a slave in the Cherokee Nation at the breaking out of the Civil War? A Yes sir.
Q To whom did you belong? A John Alberty.
Q He was a citizen of the Cherokee Nation, was he? A Yes sir, a Cherokee Indian.
Q Where did he live? A He lived on Pryor Creek just below Pryor Creek Station.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where were you carried? A Carried to the Chickasaw Nation.
Q At what time were you carried out of the Cherokee Nation? A Some time about '62.
Q And how long did you stay in the Chickasaw Nation? A I stayed there, I reckon five or six months.
Q And then where did you go? A I ran off and went to Little Rock.
Q And how long did you stay there? A I enlisted in the Army there.
Q In the Union Army? A Yes sir.
Q How long did you serve in the Union Army? A Just until peace was made.
Q Until the war was over? A Yes sir, peace was made.
Q Were you discharged from the army? A No sir.
Q What did you do? A Just came home.
Q Run off again? A Yes sir.
Q Where did you come? A Came right here to the Cherokee Nation.
Q At what point? A Right in Saline District at Lewis Downing's. I came there and stayed there. I came and stayed with Frank Cameron first.
Q Did you come to Frank Cameron's first? A Yes, first.
Q You stayed there a while and then came to Lewis Downing's? A Yes sir.
Q In what year did you come to Frank Cameron? A In 1866 when I came here.
Q Have you lived in the Cherokee nation continuously ever since? A Yes sir; never did any long journeys also.
Q Give me the name of your two grandchildren? A Sam Alberty.
Q How old is that child? A Ten years of age.
Q Give me the name of the other child? A Julia Alberty.
Q How old is that child? A Six years old.
Q Are these children both living with you? A Yes sir.

Alberty.
Q Is she alive? A Yes sir, she is here, I am looking for her here now.
Q Is she your daughter? A No sir, she is my daughter-in-law.
Q Does Melvina Alberty claim to be a Cherokee Freedman? A No sir.
Q How old is Melvina Alberty? A I could not tell; she looks as if she might be fifty or fifty-five years old.
Q Give me the name of the father of these children? A Anderson Alberty.
Q He is dead, is he? A Yes sir.
Q Was he your son? A Yes sir.
Q When did he die, how long since? A He died just after the Wallace payment; he was sick then before the payment.
Q About how old was he when he died? A I couldn't tell; I expect he was near fifty at the time.
Q Now his wife, Melvina Alberty, has she married since her husband, Anderson, died? A No sir.
Q She is still the widow of Anderson Alberty? A Yes sir.
Q Was she ever married except to Anderson Alberty? A Yes sir, she was married before.
Q How many times before? A I don't know; she says she was married before; I don't know it only just what she says.
Q Was your son, Anderson, ever married except to this wife, Melvina
A No sir, never was married before.
Q Did he live with Melvina until he died? A Yes sir; she was taking care of him while they were doctoring him.
Q Was your son married to Melvina Alberty at the time the 1880 roll was taken, twenty or twenty-one years ago? A Yes sir, he was married longer than that, I guess.
Q Melvina Alberty has never been admitted to any roll, has she?
A No sir.

The 1890 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant, his deceased son, and his son's wife, are not identified thereon.

Q What district were you living in in 1880? A Saline District.
Q Was your son Anderson in Saline in 1880? A Coowescoowee.
Q Was he on the roll of 1880? A I don't know whether he was or not.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you cross Strip money? A Yes sir.

The Payne Clifton examined and the names of the applicants are identified thereon as follows:
Page 144, No. 3868, James Alberty, Coowescoowee District;
Page 144, No. 3869, Daisy Alberty, Coowescoowee District
Page 144, No. 3870, Cora Alberty, Coowescoowee District.

The Wallace roll examined for the name of the applicant and his name is found on page 137, No. 2424, James Alberty, place and residence, Choctaw, I. T.

The Wallace roll has a note in connection with the name of James Alberty to the following effect: In the Wallace Column he is given as number 87, and above it is written the word "Paid". In the Remarks column, he is given as No. 2, and above it is written "Rejected."

[illegible]

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Q Where did they live? A Up here on Big Creek after theymarried.
Q How long did they live there? A Six or seven years.
Q Where were they living at the time your son died? A They were livind down at my house; down on the river.
Q In whatnation? A In the Cherokee Nation, in Saline District.
Q When did you state your son died? A I couldn't tell; just after the Wallace payment; I don't know what year it was.
Q Well, when did you come back to the Cherokee Nation after the war?A I come back in 1866.
Q Where have you lived since that time? A Right in a mile or two where I am living now in Saline District on the farm I have got now.
Q Did you draw your strip money in 1897 or 1898, I don't remember which it was? A I drawed the strip money. And drawed money at the Wallace payment.
Q Did you draw money at the Wallace payment? A Yes sir.
Q How about your grandchildren, were they or were they notin the verns Clifton roll?A Yes sir.
Q Do you know of your own knowledge whether they drew their money or not on the verns Clifton roll? A Yes sir.
J.S Davenport: Where were you at the breaking out of the rebellion between the states, the last war you speak of?A On Fryer Creek.
Q To whom did you belong to at that time?A John Alberty.
Q Jerry Alberty also belonged to John Alberty? A No sir.
Q Jerry Alberty lived near John Alberty's? A No sir, he lived down the river twenty miles.
Q Do you know Jerry Alberty? A Yes sir.
Q Did you know him at the breaking out of the war? A Yes sir.
Q You at one time belonged to a man named Martin down in Arkansas, didn't you? A No sir.
Q Didn't John Alberty sell you to a white man that lived in the State of Arkansas? A No sir.
Q Do you know E.B.Wright? A Yes sir.
Q You know what year it was you and he had a shooting scrape down on Grand river? A I do.
Q Do you know what year? A No sir, I don't know the year we had that.
Q It was after the making of the Wallace roll? A No, I think it was before.
Q Did you testify at the trial in the Federal Court at Fort Smith? A Yes sir.
Q If, in giving your testimony in that case, didn't you testify as follows: "I belonged to John Alberty before the war, but was sold to a man by the name of Martin in Arkansas before the war" A I didn't testify that. I can tell you what I testified.
Q I don't want to know that, I asked you what? A No sir, I didn't.
Q Wright was tried in the Federal court at Fort Smith? A Yes sir.
Q Do you know E. T. Lindsey, of Checotah? A Yes sir, I know him when I see him.
Q Was living near John Alberty at the breaking out of the war? A No sir, not within 10 or 15 miles.
Q Did you know him, Lindsey, before the war? A Yes sir, I knowed him.
[illegible] Q You say your son, Andrew, was killed at Savage's [illegible]
A Savage, Texas? A Yes sir.
Q You say your son, Andrew, died after the Wallace payment?
A Yes sir.
Q Did he drew money on the Wallace roll? A Yes sir he [illegible] the first money for his children [illegible]
Q How long did your son, Andrew, live in Texas after he was [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

where he got her.
Q About when did he marry her? A I couldn't tell you.
Q Did he get acquainted with her up there during the war? A Yes sir.
Q How long after the war was it before he went back there and married her? A Four or five years; along after this railroad come through; I don't know what year that was.
Q Had he been going there and meeting her and keeping up his acquaintance with her? A Yes sir.
Q When did he come back after the war? A Directly after I come back; he come to my home; he was quite young then. He come home after the war was over.
Q Did he make visits up to Kansas? A Yes sir, he made visits up there.
~~Q Who was up there that he had occasion to see, any kin folks?~~ A
A No sir, none but this woman to see as far as I know.
Q As far as you know, he would go up there to see her, and then married here? A Yes sir, after a while he married her and brought her down to my family. He never was healthy any more; He was called Anderson Alberty and was called Anderson Reed.

The Wallace roll examined and the name of the applicants son and grandchildren are identified thereon as follows:
Page 135, No. 2826, Anderson Reed, Coowescoowee district.
Page 135, No. 2827, Reddy Reed, Coowescoowee district.
Page 135, No. 2828, Cora Reed, Coowescoowee district.

Q Do you know anything about a child named Reddy? A No sir; they never had but those two children.
Q Is this child Daisy ever called Reddy? A No sir, not that I know of; hermame is Daisy.

Anderson Lynch, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name? A Anderson Lynch.
Q How old are you? A 64 years old.
Q What is your post-office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Were you there in the Cherokee Nation at the breaking out of the Civil War? A Yes, sir.
Q To whom did you belong? A To Joe Lynch.
By Edgar Smith: Do you know James Alberty, or Jim Alberty?
A Yes sir.
Q How long have you known him? A I knowed him a while before the breaking out of the rebellion.
Q Where did you know him? A I knowed him down on the river.
Q What river? A Down in there by the Lake.
Q What nation was it in? A Cherokee Nation.
Q Do you know who he belonged to? A He belonged to some of the Alberty's.
Q Do you know of your own personal knowledge where he was during the war, whether he went out of the Cherokee Nation or not?
A No sir, I do not.
Q When did you first see him after the war? A Down at Locust Grove by a store where they could get some goods.
Q Where is Locust Grove, in the Cherokee Nation? A Yes sir, that is below the asylum.
Q About what year was it you saw him after the war? A In the summer of 1868.
Q At Locust Grove? The asylum was Cherokee? A Yes sir, adjoining the asylum, the old Blood building.
Q How old were you at the breaking out of the war? A I was 22.
Q How old was he? A I don't know how old he was.
Q How far did you live from him at the breaking out of the war? A Nearly twenty miles.
Q How long had he been there at the time you first saw him?

track of it. I would just see him.
Q You don't know whether it had been two or three years you had seen him before the war broke out or not? A No, it was longer than that.
Q The only think youknow is that he at one time before the war belonged to one of the Alberty's, and that after the war you saw him back here? A Yes sir.

Simon Lynch, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name? A Simon Lynch.
Q How old are you? A About 72 I guess.
Q What is your post-office? A Spavinaw Hill.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A All my life, only when I went out the time of the war, and stayed a little while
Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Joe Lynch.
Q He was a Cherokee citizen, was he? A Yes sir.
Edgar Smith: Did you see him ~~for the first time~~ back in the Cherokee Nation after the war, Jim Alberty? A Yes sir.
Q When did you see him the first time? A In the fall of '66.
Q Where? A At my house on Grand river.
Q Well, what became of him, do you know? A He lived down below me all the time ever since.
Q How far below you? A I don't know how far it is.
Q In the Cherokee Nation? A Yes sir.
J.S.Davenport: Simon, did you know Jimbefore the war broke out? A Yes sir.
Q How near did you live to him before the war broke out? A I lived at old man Joe Lynch's; he lived at old man John Alberty's; we used to trade horses.
Q That was about thirty miles apart? A No sir.
Q How far? A About twenty or twenty-two miles.
Q How long had it been before the war broke out that you had seen Jim Alberty? A I don't know how long it had been.
Q Two, three, or four years? A Yes, I guess it was.

Moses Hardrick, being sworn and examined by Commissioner C R. Breckinridge, testified as follows:
Q Give me your full name? A Moses Hardrick.
Q How old are you? A 71.
Q What is your post-office? A Chelsea.
Q In what district do you live? A I live in Cooweescoowee now.
Q How long have you lived in the Cherokee Nation? A Ever since I was born up only what time I was out in the war time.
Q Were you a slave in the Cherokee nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Lewis Rose.
Edgar Smith: Q Do you know Jim Alberty? A Yes sir.
Q Did you know him before the war or after? A Before.
Q How long before the war did you know him? A I couldn't tell you how long before the war. It was in slave time. We used to go to his mother's place down there. They lived. I would hold up our cattle and drive them back to our own ranch.
Q Who was his mother? A John Alberty.
Q Was he a Cherokee citizen? A Yes sir.
Q Do you know of your own knowledge that he came to Jim Alberty during the war? A I do not.
Q He couldn't with propriety do it.
Q Did you see him here in 1866 after the war? A Yes sir.
Q How? A I think I saw him down [illegible]

S J A.

Q When did you come? A I come back here in '66.
Q How long afteryou come back? A I seen him that summer.
J.S.Davenport: Did you come back before or after the treaty was made? A I don't know anything about the treaty; I come when the war was over.
Q You never heard about the treaty being made when you started back? A I heard about the treaty, and that is the reason we come home.
Q And then you know you came back after the treaty was made? A Yes sir, must have.
Q He come the following summer after you come back? A The same summer I went down to Fort Gibson and saw him.
Q What summer did you go down there and see him? A The first summer after the war.
Q You came back after the treaty was made? A Yes sir.
Q And the first summer you came back, you went to Fort Gibson and saw him? A Yes sir.
Q He belonged to John Alberty when you first knew him? A Yes sir.
Q You don't know where he went during the war? A No sir.
Q You know where he was when the war broke out? A He was down to Alberty's because that spring we were taken down to get the cattle, and he was there with us.
Q You swear positively that he was there with you when the war broke out? A Yes sir.
Q If he states that he was sold in Arkansas to a man before the war ~~broke~~ was broke out he is mistaken? A I don't know anything about that.
Q Do you know Jim Alberty was sold out of the country or not? A I do not.
Q Are you able to say he was not, and that he was a slave of John Alberty, are you? A I won't do that.
Q And you don't remember positivelt what time you saw him at John Alberty's when the war broke out? A It was in the spring. I was a cow driver and I had to go and bring the cattle back up here.
Q Do you know Jerry Alberty? A Yes sir.
Q Did you know him before the war broke out? A Yes sir.
Q was he down at John Alberty's when the war broke out? A Yes sir, he was with us a gathering cattle.
Q He was there in the neighborhood and he knew John Alberty's slaves, didn't he? A I don't know what he knew.
Q You never seen him? A He was there helping us gather cattle.
Q You knew where he lived? A I don't know; he lived near the Alberty's.
Q Do you know where Jim Alberty was living when the war broke out? A Yes sir, at John Alberty's place.
Q In Saline District? A At the old Salt Works.
Q It is in Saline District now, if it didn't then? A I don't know, I reckon it must have.
Q Don't you know? A I don't know anything about the district.
Q What district are you living in? A Cherokee.
Q Do you know the lines in Cherokee District? A No sir, I don't know any line in the districts of the Cherokee nation.

William Riley, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Give us your full name? A William Riley.
How old are you? A 54.
What is your post-office? Chouteau.
How long have you lived in the Cherokee nation? A All my life.
Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
To whom did you belong? A Joe Riley.
Q Did you have parents living together? A [illegible]

7 J A.

Q Is he living or dead? A He is dead.
Q Where did he live?A He lived, when I know him he lived here at Chouteau.
Q Was he married or single? A He was single at that time.
When did you first know him at that time you are speaking about now? A In '66 or '67.
Q Do you know whether he afterwards married or not? A Yes sir.
Q Do you know his wife's name? A Melvina.
Q Where did he live then when he married when he was living with Melvina? A Up here about Big Cabin, I believe.
Q Do you know how long he and Melvina lived together?A No sir, I do not.

Commissioner: Did you know Melvina Alberty before she married Anderson? No sir.
Q All you know is that she lived as the wife of Anderson Alberty? A Yes sir.
Q How long did you know them as man and wife? A I didn't know her at all; I seen her after he was married; he didn't come down to the river after they were married.
Q Where did they live after they were married? A Up here on Big Cabin.
Q You only know of the marriage from hearsay? A Yes sir, I know that was his wife; I saw him once since that.
Q You say you never saw her? A No sir.
How do you know anything about here how do you know her name was Melvina?A He told me his wife was named Melvina.

Edgar Smith: Do you know anything about who that they lived together as man and wife in that community- did you know it before, or by anybody except him? A No sir.
Q Did you know it from the community in which he lived, the neighbors that lived around? A No sir, they never said anything to me.
Q All you know is whathe said? A Yes sir, is whathe told me.

The applicant applies for the enrollment of himself and two grandchildren. The applicant is not identified on the roll of 1880 or on the roll of 1896; he is identified on the Vernon Clifton roll, as he is also upon the Wallace roll, but after his name there is written a word "Rejected." He claims to have lived in the Cherokee Nation all his life, except a brief absence during the Civil War. It is contended by the Cherokee representatives present that he was sold as a slave in the State of Arkansas before the breaking out of the Civil War, and was a slave in that state at that time, and of a citizen of that state, and hence he does not come under the treaty of 1866. For the fur ther consideration of this case, the applicant will now be listed as a Cherokee freedman on a doubtful card. The two grandchildren, Mary and Daisy Alberty, are identified on the same Clifton roll; they are living at this time; they are not identified on the roll of 1880, but the older of these children is identified on the Wallace roll, and there is a child in that family identified on the Wallace roll as Betty Reed, which might intend for Daisy Alberty, as no child of that name is known in this family which was and is now called Alberty and was before called Reed. There appears to be only these two children. The father of these children, who was the son of the applicant, was deceased, is identified on the Wallace roll, but not upon the roll of 1880. It has not been developed or made clear that this man Anderson Alberty was born within the Cherokee Nation prior to the Civil War. It is claimed to further appear that the marriage between Anderson Alberty and his wife, Melvina, has been held to be valid living and cohabitation, and that the woman was the daughter of her husband, Anderson Alberty. It is contended also that Anderson Alberty was the son of a slave woman belonging to Anderson Alberty, and that he was born

2 C. N.

that she was a State Freedman of the State of Kansas, but she may have acquired rights through her husband by intermarriage. Under these conditions these two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the applicant is desired to inform his daughter-in-law, Melvina Alberty, that she should make application for her own enrollment as a Cherokee Freedman by intermarriage.

Counsel agree to introduce additional testimony on Tuesday, of next week.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) H. C. Rothenberger

Subscribed and sworn to before me this 17th day of May, 190 .

(signed) G. R. Breckinridge,
Commissioner.

N.-337.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1904.

Supplemental testimony in the matter of the application of Jim Alberty for enrollment as a Cherokee Freedman.

Smith & Mallette, Attorneys for Applicant; Attorney Smith present. W. W. Hastings, and J. S. Davenport, Attorneys for the Cherokee Nation, present. Testimony taken by agreement.

E. W. Lindsey, being sworn and examined by Commissioner T. B. Needles, testified as follows: Witness on behalf of the Cherokee Nation.

Q What is your name? A. E. W. Lindsey.

Q What is your age? A. Fourty.

Q What is your postoffice address? A. Chouteau.

Mr. W. Hastings, Counsel Attorney: Mr. Lindsey, where did you live prior to the year [illegible] I was living also in a cabin [illegible] on the east side of Grand River, only about west of the Grand Saline.

Q What was the nearest postoffice to that place? A. Bryan Creek is on this side of the river, and located there on the west side of the river.

Q Did you own your home on the west side of the river? A. In about eight miles southeast of Bryan Creek.

Were you married before the year [illegible] the city.

Q What is your wife's maiden name? A. Maria Bryan.

Q What relation was she to Jim Bryan? A. A daughter.

Did you know Jim Alberty and was a Cherokee Freedman? A. Yes sir, well.

Did you know Jim Alberty live from [illegible] and to have been married [illegible]

[illegible]

Did you know the mother of Jim? A. Yes sir.

Did you know Lucinda Alberty? A. Yes sir.

[illegible]

up in '61. The last I knew of Jim was in April, '60, about the first of April, and the last I seen of him was April. Mr. Alberty had taken him and another man, and a woman and a man from the property of old man Bryan from Bryan's store.
Q Is John Alberty alive?A No sir.
Q Now go ahead and state it, the last you know of Jim, what you were going to state?A The last I seen of him, John Alberty was riding horse back, and he had, I can't now recall the young man's name that was driving the wagon, and he had four of these colored people, Jim and Fred and his wife, and a woman, I don't recall at her name, the four in a wagon; that is the last I knew of them.
Q That was in April of '60? A That was in April of '60; that was the last I seen of him until after the war.
Q Where did John Alberty live from '60 until the war came up? A At the crossing of Pryor Creek on the military road, the same place where he had been living at for years.
Q Was Jim Alberty living there with him at that time? A No sir.
Q At the time the war came up? A No sir.
Q Had he been there since April, 1860 A Not that I know of; never seen him or heard of him.
Q Well, what became of the other two colored people who belonged to your father-in-law, Joel Bryant? A I could tell it, but the technical testimony I don't know how; I have heard it.
Q What became of Jim Alberty? A Mr. Alberty said he sold them to a party down below Little Rock.
Applicant's Attorney objects to answer and moves to strike it out.
The objection is overruled and exceptions noted.

Commissioner: Mr. Alberty was the owner of Jim Alberty? A Yes sir.
Q And he told you so? A Yes sir.

Applicant's attorney objects to the above question and answer and moves to strike it out.
The objection is overruled and exceptions noted.

W.W.Hastings: Do you know what he got for him? A No sir.
Q And after he told you that, did you ever see Jim Alberty in the Cherokee Nation before the war? A No sir, until after the war.
Q And you lived in the same neighborhood?A Yes sir.
Q Was there any one else taken off with Jim Alberty? A Another party, a woman of Mr. Alberty's, and a woman and a man of Col. Bryan.
Q Did you see any settlement made with Mr. Alberty with reference to these? A No sir, I did not see any money paidown directly. I was inthe house, and I don't know anything about the amount of money.
Q Col. Bryan's darkies went off the same time? A Yes, the same time with the Albertiss.
Q Do you know how long Mr. Alberty was gone on that trip? A No I couldn't say; it wasn't a very great while; maybe two weeks and maybe not so long.
Q He was back there in the spring of 1860 A Yes sir, he was there a great while.
Q And after [illegible] he came back you never saw the applicant, Jim Alberty, until after the war?
A No, I have answered that.
Attorney Hayes asks: Mr. Lindsey, Joel Bryan took his slaves down to Benton and placed them, did he? A He took them, I don't know whether he placed them. I will make a statement if you want me.
Q Tell us what you know about it, did he take some of the slaves in Benton? A Why, for the life of me I don't know that, and I wouldn't say that he did, and I would not do that to save my life.

you, he made a contract with some of his slaves to take them to Mexico for so much money, and when he got there they left them and he sued them on the contract. Well, it is this way, you may be more familiar with the laws of Mexico than I am; but it is this, this debt would hold over for diversified claim at a fixed salary until the debt was paid, but at any day if you could get such or man, if you would come to me and say I owe so much money, and I would work it out for you he sued a man and got judgment, and Gov. Teresses come in and paid the judgment, and in the matter of course, the party became slaves of Judge Teresses.

Q So they made an agreement with him? A They signed a contract with him.

Q Where did they agree on that? A Fort Stockton, Texas.

Q After they became free? A Just at that time; it was just a little while before they became free.

Q They were down there and had no way to get out? A When they started from Red River it was not understood that they were freed at the time Col. Bryan sold several and there were parties following to buy these, and these others some of them niggers, they had been raised in the family, they didn't want to sell and they didn't want to be sold; this other party wanted to go and they went on and they sold them all there.

Q Where? A On Red river and in Bannin County, Texas; everyone of them.

Q As a matter of fact after the war was over and these people were freed, Bryan took them down to Mexico and pecned them? A I made a statement that was the way they were pecned; they owed this debt.

Q What debt was that? A It was for the transportation to go to Mexico.

Q All you know about Jim Alberty of your personal knowledge is that you saw him in a wagon with two or three other colored people in the spring of '66? A Yes sir, in '66.

Q And you didn't see him any more until after the war? A No, I didn't see him any more until after the war.

Q You don't know of your own personal knowledge what became of him? A I told you before that Mr. Alberty, said his at Little Rock.

Q That is what Mr. Alberty said? A Yes sir.

Q You never saw him in Little Rock? A No sir, I never saw him until after the war; after he left in the wagon.

Commissioner: Where did Mr Alberty tell you this after the war? A He did; he came back to the city about two weeks ago.

Q I thought you said you didn't see him after he went away in the wagon? A I didn't see him any more, but I say Jim Alberty; he did [illegible] Alberty never said Jim Alberty to me, you don't know whether Jim Alberty's owner ever sold him to John Alberty citizen or any citizen of the Choctaw Nation? A No sir I don't know anything about that.

W.H. Hastings: You have he never come back? A I have I never saw him until after the war.

Commissioner: When did you see him after the war? A I saw him in '84.

Q Not sooner than '84? A No, it couldn't have been because I wasn't in the country until the latter part of '80.

Bryan Smith: You weren't here until nearly that? A No sir, December '79.

Recross examination of witness by W.H. Hastings, Choctaw Attorney:

Q What is your name? A Ann Alberty.

Q Mr. Alberty, you testified in response to questions put to you by Mr. Smith, [illegible]

Q [illegible]

Q [illegible]

I did.

Commissioner: How did you get to Little Rock? A I ran away and went there.

Q Did you run away from John Alberty? A Yes sir.

(Counsel for Applicant moves to strike out all that portion of witness' testimony relative to what John Alberty told him with regard to calling applicant.

The motion was overruled and exception noted.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E. C. Rothenberger.

Subscribed and sworn to before me this 27th day of May, 1901.

(signed) C. R. Breckinridge,
Commissioner.

Mellette & Smith, attorneys for applicant:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27th, 1901.

In the matter of the application of Malvina Alberty for enrollment as a Choctaw freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Malvina Alberty.
Q How old are you? A 27.
Q What is your post-office address? A Tulsa.
Q In what district do you live? A Muskogee.
Q What is it you want to have enrolled besides yourself? A My son and self.
Q If you apply to be enrolled as a Choctaw freedman? A Yes sir.
Q Are you married? A Yes sir, I think.
Q When were you married? A The 4th day.
Q Where did you marry him? A Okmulgee, Muscogee.
Q What is your claim through? A Jackson Alberty.
Q Have you a certificate of your marriage? A Yes sir.
Q Were you ever married before you married Jackson Alberty? A Yes sir.
Q How many times? A Once.
Q What was the cause of your first husband? A Long Chafois.
Q Was he a Choctaw? A He did not get a Choctaw freedman, but he died in Texas.
Q When did he death? A 97.
Q When did you leave your husband? A In 96.
Q Will you live with his brother in marriage? A No sir.
Q Did he come back to the Nation without? A No sir, he died in Texas.
Q Did the deceased Alberty come to Texas with you during your marriage? A No sir, I did not go to Texas to see a relative, and he did not [illegible] Texas and he died and he did not [illegible] Texas.
Q Did he come back? A No sir.
Q Did he come back but he died in Texas? A No sir.
Q Was he alive when you left Texas? A Yes sir.

bad about women like all other men is I dont know.
Q When did Anderson Alberty die? A In '91.
Q Have you married since he died? A No sir I wouldn't marry again, I am drawing a pension.
Q Have you lived with any other man as his wife since he died?
A No sir, fore-God I aint living with no man.
Q Where are you living now? A 5 or 6 miles west of Welch.
Q Who with? A A colored family, and has two children there some of the time.
Q You are not on the roll yourself? A No sir.
Q Did you know anything about Anderson Alberty before you married him? A Yes sir, first got acquainted with him time of the war.

By Mollette:
Q The two children, Cora and Daisy, are your children by Anderson Alberty? A Yes sir, I am their mother.
Q Was Anderson Alberty their father? A Yes sir.

By Commr Breckinridge,- The applicant states that she was married in 1866 at Oswego Kansas to a Cherokee Freedman, now deceased. His status has been gone into in Cherokee Freedman Doubtful card #287, in which is embraced the enrollment of the two children of the applicant by the said Anderson Alberty. The testimony is to the effect that the said Anderson Alberty was never married prior to his marriage to her, but she is not positively informed on that subject. She states that she was once previously married, but that her former husband died in 1871, and consequently prior to her marriage to Anderson Alberty. She states that her former husband was a Cherokee Freedman, but that he married her in 1866 in the state of Kansas, and that he lived with her in Kansas until he died. Applicant's attorney states that he has a marriage certificate establishing her marriage to the said Anderson Alberty, which he will file with this case to-morrow. She will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, No.287, the same being the card including her children. The applicant states that she has never remarried since the death of her husband Anderson Alberty. The final decision of the commission will be made known to her at her post office address.

. . . . . .

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereto.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 1st of June, 1906 at Muskogee, I. T.

(signed) T. B. Needles,
Commissioner.

B. P. Grace, being first duly sworn, states that he stenographed to the Commission to the Five Civilized Tribes the foregoing testimony and that same are true and complete copies of the originals.

Subscribed and sworn to [illegible]

[illegible] to be with Lizzie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1901.

In the matter of the application of Alexander Alberty for the enrollment of himself and wife as Cherokee Freedmen, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Alexander Alberty.
Q How old are you? A About 8?.
Q What is your post-office? A Chouteau.
Q What district do you live in? A Salina.
Q You apply to be enrolled as Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My wife. She isn't on the roll.
Q You don't apply for your wife then? A I say she is on the roll.
Q Well, do you want to have her put on the roll? A Yes sir, I'll own.
Q What is her name? A Lizzie Alberty.
Q Have you got any child? A No sir.
Q How old is Lizzie Alberty? A About 18 years old.
Q Is she a citizen or a slave woman? A Citizen.
Q Is your name on the roll of 1896? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A Yes sir.
Q What roll? A On the 1896 roll.
Q What is your father's name? A Jim Alberty.
Q Is he living? A Yes sir.
Q What is your mother's name? A Charity Alberty.
Q Is she living? A No sir.
Q What is the name of your wife's father? A I couldn't tell you.
Q What is her mother's name? A Martha Gibson.
Q Is her mother living? A No, she is dead.
Q Where were you born? A In the Cherokee nation.
Q Have you lived in the Cherokee nation all your life? A Yes sir.
Q Do you know your wife born? A I couldn't tell you.
Q Where did you marry her? A Down close to Chouteau.
Q Cherokee nation? A Yes sir.
Q When? A It has been over two years now.
Q You don't know whether she was a citizen or not then do you? A She is a citizen; she was born here in the Nation.
Q Who do you claim your citizenship through, your father or mother? A Both.
Q Have they been listed for enrollment here yet? A Yes sir.

Here Clifton read roll of citizens of the Cherokee nation examined and witness stated the name as follows:
page 144 Jim Alexander, Cherokee second District,
also another listed roll of citizens of the Cherokee nation examined and witness did not find the name.

Q Did your wife ever live in Texas? A No sir.
Q Her name did not go on the roll? A No sir.

Here Clifton read roll of citizens of the Cherokee nation examined and witness stated his wife was found to be.

Q Then you did [illegible] your wife's citizenship? A I did [illegible] [illegible].
Q Who gave you [illegible]? A [illegible].

[illegible]

Alexander Alberty et al &

on D card 287, the testimony taken in the case of Jesse Alberty will be made a part of the record in the case at bar, and a copy of said testimony will be filed with the testimony in the case of the applicant; he avers that he was married to his wife Lizzie, whose maiden name was Gibson, and her name is not found upon any of the rolls of the Cherokee nation, and he makes no proof of citizenship, consequently, his application for the enrollment of his wife will be rejected.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this June 26, 1906.

Commissioner.

File with edge of Alexander Alberty, C.F.-D.#744.

Supl. C.F.-D.#287.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JIM ALBERTY as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Proof of service of notice to applicant filed;
Applicant called and does not appear neither in person nor by attorney;
W. W. Hastings present for Cherokee Nation.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows: BY MR. HASTINGS:

Q What is your name? A J. W. Alberty.
Q Mr. Alberty, what is your age? A I am 67 years old.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q What is yourpost office? A Westville.
Q Where did you live before the war? A I lived right in about two miles and a half or three miles west of Westville.
Q Did you know Mr. John Alberty before the war? A Yes, sir.
Q Where did he live before the war? A He lived right on Bryors Creek.
Q He was a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know a colored man, applicant for enrollment, by the name of Jim Alberty, commonly known as Sheep Jim Alberty? A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q Now, tell the Commission what you know about his ownership?
A Well, he belonged to John Alberty and John Alberty and me were cousins and he and my wife sisters and we was very intimate and along about '57 or '8 there was a man by the name of Newlan and Bill McCracken brought Jim and another colored man by the name of John and sent me to take them from my house to Evansville, and John Alberty taken him off from there and carried him south. I also had a negro girl mortgaged belonging to John Alberty by the name of Violet and he came back and redeemed Violet and took her home.
Q Did you know where John Alberty took Jim? A I don't know he went to Memphis off on the trip, I don't know where he sold the negro man.
Q And when he came back from that trip he redeemed the negro girl you had mortgaged? A Yes, sir.
Q How much? A Eight hundred dollars.
Q Was Jim with him when he came back? A No, sir.
Commissioner: Where was Evansville? A State of Arkansas.
Q You turned him over to him in the state of Arkansas?
A Yes, sir.
Commissioner: You know what he took him off for?
A Yes, sir, he sold him.
Q Tell, sir, he did what he did with him? A Sold him.
Q About how long was he gone? A About six weeks.
Q When was that? A About '57 or '8.
Q Did you see or hear from that time until after the war?
A I heard from him from that time until the present. I didn't see him at all.
Q Mr. Alberty, did you ever hear that name of John [illegible]
A [illegible]
Q Was he a [illegible] citizen? A Yes, sir.
Q [illegible] A Yes, sir.

Q You only knew as to the sale what Alberty told you? A Yes, sir; well I knew he brought the money back.
Q Well, you know he brought money back? A Yes, sir.
Q But you don't know that he sold Jim, only from the circumstance and what Alberty told you when he came back? A No, sir.
Q The fact you don't know that he sold him only what he said?
A Yes, sir.
Q He started to sell him? A Yes, sir.
Q And when he came back he said he sold him? A Yes, sir; he never come back and has not been there after that.

JAKE ALBERTY, being duly sworn by Commissioner Jeedles, testified as follows: By Mr. Hastings:

Q What is your name? A Jake Alberty.
Q What is your age, Mr. Alberty? A I will be 48 in March.
Q What was your father's name? A John Alberty.
Q Where did he live before the war? A He lived near Pryor Creek, on Pryor Creek.
Q Was your father ever the owner of a negro slave by the name of Jim, now known as Sheep Jim? A Yes, sir.
Q Now, what became of him? A I don't know; he took him off before the war; I remember that; said he sold him.
Q You were quite small? A Yes, sir, I was just a boy.
Q Did you know what your father said about it? A No, sir, I don't remember anything about it.
Q Well, do you know whether he sold him or not? A Well, that is my understanding, he took him off to sell him.
Q Was he at your house during the war? A No, sir.
Q You were living with your father? A At that time?
Q Yes? A Yes, sir.
Q Did you go south with your father? A Yes, sir.
Q Was this Jim along when you went? A No, sir.
He was not along
COMMISSIONER: You say your father went south during the war?
A Yes, sir.
MR. HASTINGS: Was that after Sheep Jim was missed, or gone?
A Yes, sir.
Q He was not along with you? A No, sir.
Q Have you ever seen Sheep Jim since? A Yes, sir.
Q When was the first time you saw him? A I don't know, it was back here, right here after the war.
Q Do you recollect what year that was? A No, sir.
Q You say this right here after the war you saw? A Yes, sir, when I got back.
Q Where was he living? A No, sir, he was there in the neighborhood.
Q What relation is this person who just preceded you to you?
A He is a cousin.
Q He lived near neighbor to you? A No, sir, he lived in Delaware County.
Q Do you recollect what year you came back after the war? A No.

[illegible], being duly sworn by Commissioner Jeedles, testified as follows: By Mr. Hastings:

Q What is your name? A [illegible]
Q What is your age, Mr. [illegible]? A [illegible]
Q [illegible] of the Cherokee Nation by blood? A I am.
Q [illegible] official position, if any thing, do you hold [illegible]
Q [illegible] Cherokee Nation [illegible]
Q Where do you live at [illegible]? A Near Pryor Creek, Delaware County.

Q Do you know a colored man up in your country by the name of Jim Alberty, commonly known as Sheep Jim? A I do.
Q How long have you known him, Mr. Wright? A I have knowed him ever since about '81 or '2.
Q Mr. Wright, were you ever arrested and taken to Fort Smith charged with shooting at or assaulting Jim Alberty? A I was.
Q About when was that? A I think it was in '83; they held two indictments against me, one was shooting Bill Marcum and one was shooting Sheep Jim.
Q Were you tried there? A I was.
Q Was this Jim Alberty a witness against you at that time?
A Yes, sir.
Q State whether the question or his citizenship was raised or not?
A It was in both cases.
Q What did he say of it? A He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty had taken him below Fort Smith and sold him down below Dardenelle, and sold him to a man by the name of Morton.
Q And he swore that at that time? A Yes, sir.
Q And the Court retained jurisdiction over you? A Yes, sir.
Q And tried you? A Yes, sir.
COM'R KEEDLES: The first time you saw Sheep Jim was along in '84? A. Along in '82.

Com'r Keedles: This testimony will be made part of the testimony in the Joanna Cook case, D.#745, and James Alberty, Jr., D.#528.

---oooOOOooo---

J. O. Dawson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Dawson

Subscribed and sworn to before me this September 18th, 1901.

Commissioner.

SUPPLEMENTAL STENOGRAPHIC

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sep. 17, 1901.

In the matter of the enrollment of Alexander Alberty as a Cherokee Freedman.

APPEARANCES:
W.W.Hastings, Esq., for the Cherokee Nation.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on said Alexander Alberty that testimony would be introduced by the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory, on the 14th day of September, 1901. Said Alexander Alberty has been called three times, and fails to respond.

BY MR. HASTINGS: The Cherokee Nation requests that the testimony of S.W. ALBERTY, JACK ALBERTY and E. B. WRIGHT, taken in the case of JIM ALBERTY, Freedman Doubtful #287, on September 16th, 1901, be made a part of the record in this case.

N.D.Green, being first duly sworn, stated that he is stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

N.D. Green

Subscribed and sworn to before me this September 20th, 1901.

T. M. Buckstaff

Commissioner.

DEPARTMENT OF THE INTERIOR.

In the matter of the motion to re-open the cases of ALEXANDER ALBERTY, F. D. 744, and JOANNA COOK, F. D. 745, freedmen applicants for enrollment as citizens of the Cherokee Nation.

Protest of the Cherokee Nation.

The records in these cases show that these applicants made applications before the Commission in 1901, and that there has been a great deal of testimony taken in this case. The applications have been twice denied by the Commission to the Five Civilized Tribes, and the last denial was affirmed by the Secretary of the Interior on August 5, 1905. From the date of their original applications in 1901 until 1905, a great deal of testimony was taken in these cases and every opportunity was given these applicants to introduce all of the testimony they desired in support of their applications. We take it that it is unnecessary for us to introduce notice in this protest much of what is said by I. P. Bledsoe who represents these applicants because he is not under oath and his petition or motion for re-hearing is not and cannot be considered testimony. He has a great deal to say in his motion about certain relatives being upon the roll of 1880, whereas that would not entitled these applicants to be enrolled, unless these applicants were their immediate descendants. In other words, they might have ever so many uncles and aunts entitled under the treaty of 1866, and their names might appear on the roll of 1880, yet these applicants might not be entitled. For instance, he attempts to give the 1880 enrollment of John Landrum, an alleged uncle of their. It may be that John Landrum was the slave of a Cherokee citizen and that he returned within the time, yet if his sister were the mother of these applicants, and she herself a slave and did not return within the time prescribed by the treaty, while John Landrum might be entitled to be enrolled, yet she, although a full sister, would not be entitled.

Finally he gives the names of certain witnesses by whom he claim that he would be able to establish the facts set forth in his petition, yet he does not comply with the rules of the commission in attaching their affidavits to his petition, except the affidavits of John Landrum and Mary Landrum, the wife of John Landrum. Now it will be noted that both John and Mary Landrum are ignorant colored people and sign their names by "x" marks and it will be further noted that the affidavits are taken before I. P. Bledsoe, the agent representing these people. We feel certain that the Department does not desire to uselessly reopen these cases and if we can show that the makers of these affidavits are disrepotable and unworthy of belief we feel certain that the Department will reject this motion.

Now Mary Landrum is the wife of John Landrum, and they claim to be relatives of these applicants, and are therefore biased and interested and they cannot read and write, and if they were even disposed to be honest they are at the mercy of this agent, I. P. Bledsoe.

This same John Landrum has testified in a great many cases befor the Commission and among them are the cases of John [illegible] Ross, F. D. 474, which was rejected by the commission and affirmed by the Department, Henry [illegible] Hayes, F. D. 4[illegible], and this case was rejected by the Commission and affirmed by the Department, he also testified in F. D. 9[illegible], being the case of Katie Thornton, and this case was denied by the Commission and affirmed by the Department. In the case of F. D. 9[illegible], Lucien Gray, he also testified, and this case was denied

by the Commission, which decision is pending affirmation in the Department; he testified in F. D. 148, being the case of Joseph Campbell, and this case was denied by the Commission and affirmed by the Department; in F. D. 696, being the case of Ed Riley, he testified, and this case was denied by the Commission and affirmed by the Department; in the case of Ransom Daniels, F. D. 812, he also testified and this case was denied by the Commission and affirmed by the Department; he also testified in F. D. 860, Annie Kims, which was denied by the Commission and affirmed by the Department; in F. D. 863, Alfred Bell, he also testified, which case was denied by the Commission and affirmed by the Department; he also testified in F. D. 864, being the case of Thaddeus Hill, which was denied by the Commission and he testified in F. D. 998, being the case of Carrie B. Ross, which was denied by the Commission and affirmed by the Department. Here it will be seen that he testified in the above eleven cases, and we do not have a handy reference as to how many more he testified in, but in each of these cases he swore that he knew the parties, that they were slaves of Cherokee citizens, that they returned in 1866, and that they continuously resided in the Cherokee Nation, and in each of them the Commission by its decision said that they would not believe John Landrum upon oath, and the Department entertained the same view when it affirmed these decisions. Now we do not desire to speak harshly of any agent representing applicants, but he has been before the Commission, representing a number of applicants, and he knows the reputation of John Landrum as well as any one could know him, and he knows, as the records in these cases hereinabove quoted show, that his reputation for truth and veracity is bad, and we submit that the Department should not favorably entertain a motion to reopen one of these cases where an opportunity had been given for four years to introduce testimony in support of the application and where the Commission had written two decisions denying the applicants, and we further submit that the affidavits of witnesses signed by "x" mark taken before the agent for the applicants should be most closely scrutinized by the Department. The truth is these ignorant negroes will swear anything and the truth is, as it is shown by the above eleven cases in which John Landrum testified, that the Commission does not regard him worthy of belief, and we submit that if these applicants have a meritorious claim they should be made to support their motion to reopen by affidavits of reputable disinterested witnesses.

Respectfully submitted,

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_____

ATTORNEYS FOR THE CHEROKEE NATION.

F. D. 144

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

~~Given under my hand this~~

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

SEP 12 1901

NOTICE!

IN THE MATTER OF The application of Alexander Alberty for enrollment as a Cherokee Freedman:

Case No. F. D. 744

To Alexander Alberty Choteau

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 14th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12 day of Sept. 1901.

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

(COPY)

D. C. 43797

Muskogee Ind. Terr, Oct 6th 1906.

Dear Sirs:

In reply to your request to send the names of witnesses desired in the Freedman citizenship cases of Joanna Cook and Alec Alberty I will give you their names and P.O. address viz:

Hannah Thomas	P.O. Keiften, I.T.
Jack Landrum	Hayden I.T.
Mary "	"
Thomas Moore	Ketchum I.T.
Nelson "	"
Nellie Landrum	Vinita I.T.

These are all the witnesses I think that I will need in these cases. However I wish to introduce the Inscription on her tombstone Charity Alberty nee Landrum when the case comes up she was buried on Salt Creek about 20 miles North of Chelsea I.T. in order to thoroughly establish the fact that she died and was buried here in the Cherokee Nation.

Very Respty

I. P. Rhodes

Representative for Joanna Cook & Alec Alberty.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-707-708.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of a letter dated October 6, 1906, from I. P. Bledsoe, agent for Alexander Alberty and Jeanna Cook, giving a list of the names and addresses of the witnesses he expects to introduce on behalf of Alexander Alberty and Jeanna Cook in the matter of their Cherokee freedmen enrollment cases.

The applicants and their agent have this day been notified that they will be permitted to appear before the offices of the Commissioner on November 1, 1906, and introduce the testimony of the witnesses named. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the cases.

Respectfully,

Commissioner.

Encl. 6-13
LS

DEPARTMENT OF THE INTERIOR,

Land
2967-1907.

OFFICE OF INDIAN AFFAIRS,

COPY

WASHINGTON.

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of the aproceedings in the matter of the application for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicant.

The record shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of the applicants herein as Cherokee freedmen within the time limited by law.

The evidence shows that the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty.

The Evidence further shows that Charity Alber[illegible] the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of the war she left the Cherokee Nation, and after ample opportunity having been afforded the applicants to establish by satisfactory evidence that their mother, Charity Alberty, was an actual

personal bona fide resident of the Cherokee Nation on February 11, 1867, they have failed to do so.

Commissioner Bixby reports that neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

Therefore, by reason of the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L., 495) the Office concurs in the decision of Commissioner Bixby denying the enrollment of Alexander Alberty and Jeanne Cook as Cherokee freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EMM.FM.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

O.L.

L.R.S, I. T. D.

4506, 4332, 4334, 4368,
4674, 4705, 4720, 4728,
4792, 4800—1907.

February 27, 1907.

SIRS:

Commissioner to the five civilized tribes,

Muskogee, Indian territory.

Sir:

Your decisions in the following cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Lottie Ware, (freedman),	January 8, 1907.
Lorie Ware (freedman),	October 17, 1906.
Mandie Jones,	October 17, 1906.
George E. Walker,	October 17, 1906.
Ada A. Vaughan,	February 2, 1907.
Ivy Gilbreath (Lucie Ward)(freedman),	November 26, 1906.
Mitchell Mary Bowen,	November 26, 1906.
Lucille Ely Cho,	January 4, 1907.
Frances Gillis et al.,	January 7, 1907.
Alexander Alberty et al. (freedman),	January 4, 1907.

A copy hereof and all the papers in the cases mentioned herein have been sent to the Indian Office.

Respectfully,

Thos. R. Ransdell,

Assistant Secretary.

12 Inc. and 12.
Ind. Div. Ins. Cr.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
E 707 et al

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 6, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, rejecting the applications for the enrollment of Alexander Alberty, et al., as Cherokee freedmen was affirmed by the Secretary of the Interior, February 27, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. EJ-60.
EJG

Cher. Fr. D-745

Cher. Fr. D. 745

To be filed in the case of Jeanna Cook, CFD-788.

Mellette & Smith, Attorneys for Applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 15, 1901.

In the matter of the application of Jim Alberty for the enrollment of himself and his two grandchildren as Cherokee Freedmen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Jim Alberty.
Q Who is it you want to enroll; anybody besides yourself? A Yes sir, two grandchildren.
Q You want to enroll yourself and two grandchildren? A Yes sir.
Q Are these grandchildren orphans? A They have a living mother, but I keep them.
Q How old are you? A Seventy.
Q Whatis your post-office? A Chouteau.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A From the first of my recollection until now.
Q About all your life, have you? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A I have drawed money; I am certain I am not on the 1880 roll.
Q You are partly recognized? A Yes sir.
Q Were you a slave in the Cherokee nation at the breaking out of the Civil War? A Yes sir.
Q To whom did you belong? A John Alberty.
Q He was a citizen of the Cherokee Nation was he? A Yes sir, A Cherokee Indian.
Q Where did he live? A He lived on Pryor Creek just below Pryor Creek Station.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where were you carried? A Carried to the Chickasaw Nation.
Q At what time were you carried out of the Cherokee Nation? A Some time about '62.
Q And how long did you stay in the Chickasaw Nation? A I stayed there, I reckon five or six months.
Q And then where did you go? A I run off and went to Little Rock.
Q And how long did you stay there? A I enlisted in the Army there.
Q In the Union Army? A Yes sir.
Q How long did you serve in the Union Army? A Just until peace was made.
Q Until the war was over? A Yes sir, peace was made.
Q Were you discharged from the army? A No sir.
Q What did you do? A Just come home.
Q Run off again? A Yes sir.
Q Where did you come? A Come right here to the Cherokee Nation.
Q At what point? A Right in Saline District at Lewis Downing's.
Q I came there and stayed there. I came and stayed with Frank Cossens first.
Q Did you come to Frank Cossens first? A Yes, first.
Q You stayed there a while and then came to Lewis Downing's? A Yes sir.
Q In what year did you come to Frank Cossens? A In 1867 when I came there.
Q Have you lived in the Cherokee nation continually ever since? A Yes sir; never had any home anywhere else.
Q Give me the names of your two grandchildren. A Sam Alberty.
Q How old is that child? A She used to about 12.
Q Now give me the name of the other child. A Lizzie Alberty.
Q How old is that child? A She is over 18.

2 J A

Q Are these children both living now? A Yes sir.
Q Give me the name of the mother of these children? A Melvina Alberty.
Q Is she alive? A Yes sir, she is here, I am looking for her here now.
Q Is she your daughter? A No sir, she is my daughter-in-law.
Q Does Melvina Alberty claim to be a Cherokee Freedman? A No sir.
Q How old is Melvina Alberty? A I could not tell; she looks as if she might be fifty or fifty-five years old.
Q Give me the name of the father of these children? A Anderson Alberty.
Q He is dead, is he? A Yes sir.
~~Q Was he your son? A Yes sir.~~
Q When did he die, how long since? A He died just after the Wallace payment; he was sick then before the payment.
Q About how old was he when he died? A I couldn't tell; I expect he was near fifty at the time.
Q Now his wife, Melvina Alberty, has she married since her husband, Anderson, died? A No sir.
Q She is still the widow of Anderson Alberty? A Yes sir.
Q Was she ever married except to Anderson Alberty? A Yes sir, she was married before.
Q How many times before? A I don't know; she says she was married before; I don't know it only just what she says.
Q Was your son, Anderson, ever married except to this wife, Melvina? A No sir, never was married before.
Q Did he live with Melvina until he died? A Yes sir; she was taking care of him while they were doctoring him.
Q Was your son married to Melvina Alberty at the time the 1880 roll was taken, twenty or twenty-one years ago? A Yes sir, he was married longer than that, I guess.
Q Melvina Alberty has never been admitted to any roll, has she? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant, his deceased son, and his son's wife, are not identified thereon.

Q What district were you living in in 1880? A Saline District.
Q Was your son Anderson in Saline in 1880? A Coo-coo-ee-coo.
Q Was he on the roll of 1880? A I do not know whether he was or not.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you draw strip money? A Yes sir.

The Verse Clifton roll examined and the names of the applicants are identified thereon as follows:
Page 144, No. [illegible], James Alberty, Coo-coo-ee-coo District;
Page 144, No. [illegible] Daisy Alberty, Coo-coo-ee-coo District;
Page 144, No. [illegible] Dave Alberty, Coo-coo-ee-coo District.

The Wallace roll examined for the name of the applicant and his name is found on page 187, No. [illegible], James Alberty, place and residence, Choctaw, I. T.

The Wallace roll has a note in connection with the name of James Alberty to the following effect: In the Wallace Column he is given as number [illegible], and there it is written the

word "rejected". In the Bennett Column, he is given as No.3, and above it is written "rejected".

Edgar Smith, Applicant's Attorney: Where did your son Anderson Alberty marry his wife, Melvina?A He married at Oswego.
Q Where did they live? A Up here on Big Creek after they married.
Q How long did they live there? A six or seven years.
Q Where were they living at the time your son died? A They were living down at my house; down on the river.
Q In what Nation? A In the Cherokee Nation, in Saline District.
Q When did you state your son died?A I couldn't tell; just after the Wallace payment; I don't know what year it was.
Q Well, when did you come back to the Cherokee Nation after the war? A I came back in 1866.
Q Where have you lived since that time? A Right in a mile or two where I am living now in Saline District on the farm I have got now.
Q Did you draw your strip money in 1897 or 1896, I don't remember which it was?A I drawed the strip money. And drawed money at the Wallace payment.
Q Did you draw money at the Wallace payment? A Yes sir.
Q How about your grandchildren, were they or were they not on the Kerns Clifton roll? A Yes sir.
Q Do you know of your own knowledge whether they drew their money or not on the Kerns Clifton roll? A Yes sir.
J.S.Davenport: Where were you at the breaking out of the rebellion between the states the last was you speaked?A On Fryer Creek.
Q To whom did you belong at that time? A John Alberty.
Q Jerry Alberty also belonged to John Alberty? A No sir.
Q Jerry Alberty lived near John Alberty's? A No sir, he lived down the river twenty miles.
Q Do you know Jerry Alberty? A Yes sir.
Q Did you know him at the breaking out of the war? A Yes sir.
Q You at one time belonged to man named Martin down in Arkansas, didn't you? A No sir.
Q Didn't John Alberty sell you to a white man that lived inthe State of Arkansas? A No sir.
Q Do you know E.B.Wright? A Yes sir.
Q You know what year it was you and he had a shooting scrape down on Grand River?A I do.
Q Do you know what year? A No sir, I don't know the year we had that.
Q It was after the making of the Wallace roll? A No, I think it was before.
Q Did you testify at the trial in the Federal Court at Fort Smith? A Yes sir.
Q If, in giving your testimony in that case, didn't you testify as follows: I belonged to John Alberty before the war, but was sold to a man by the name of Martin in Arkansas before the war? A I didn't testify that. I can tell you what I testified.
Q I don't want to know that; I asked you this? A No sir, I didn't.
Q Wright was tried in the federal court at Fort Smith? A Yes sir.
Q Do you know E.W.Lindsey of Choctaw? A Yes sir, I know him when I see him.
Q He was living near John Alberty at the breaking out of the war? A No sir, not within 12 or 15 miles.
Q Did you know him, Lindsey, before the war? A Yes sir, I knowed him.
Commissioner: You say your son, Anderson, was married at Oswego? A Yes sir.
Q Oswego, Kansas? A Yes sir.

4 J A,

Q You say your son, Anderson, died after the Wallace payment?
A Yes sir.
Q Did he draw money on the Wallace roll? A Yes sir, he drawed the first money for his children himself.
Q How long did your son, Anderson, live in Kansas after he was married?A He didn't live there; he come h me.
Q Did he just go there to get married? A Yes sir. The woman lived there and become right home; he lived 12 miles from there.
Q Where did he meet that woman? A He m t her in Oswego, that is where he got her.
Q About when did he marryher? A I couldn't tell you.
Q Did he get acquainted with her up there during the war? A Yes sir.
Q How long after the war was it before he went back there and married her? A Four or five years; along after this railroad come through; I don't know what year that was.
Q Had he been going there and meeting her and keeping up his acquaintance with her? A Yes sir.
Q When did he come back after the war? A Directly after I come back; he come to my home; he was quite young man the n. He come home after the war was over.
Q Did he make visits back up to Kansas? AYes sir, he mde visits up there.
Q Who was up there thathe had occasion to see, any kin folks? A No sir, none but this woman to see as far as I know.
Q As far as you kn ow, he would go up there to see her, and then married her?A Yes sir, after a while he married her and brought her down to my family. He never was healthy any more.
He was called Anderson Alberty and was called Anderson Reed.

The Wallace roll examined and the name of the applicant's son and grandchildren are identified thereon as follows:
Page 135, No. 2826, Anderson Reed, Coowescoowee District;
Page 135, No. 2827, Reddy Reed, Coowescoowee District;
Page 136, No. 2828, Cora Reed, Coowescoowee District.

Q Do you know anything about a child named Reddy? A No sir, they never had but those two children.
Q Is this child Daisy ever called Re ddy? A No sir, not that I know of; h r n m e is Daisy.

Anderson Lynch, being sworn and examined by Commissioner C.R Breckinridge, testified as follows:
Q Give me your full name. A Anderson Lynch.
Q How old are you? A 64 years old.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee nation? A I was born and raised here.
Q Were you a slave in the Cherokee nation at the breaking out of the Civil War? A Yes, sir.
Q To whom did you belong? A To Joe Lynch.
Q Edgar Smith: Do you know Jesse Alberty? Or Jim Alberty? A Yes sir.
Q How long have you known him? A I knowed Billy's child before the breaking out of the rebellion.
Q Where did you know him? A I knowed him down on the river.
Q What river? A Down in there by the Lake.
Q What section was it in? A Cherokee Nation.
Q Do you know who he belonged to? A He belonged to some of the Alberty's.
Q Do you know of your own personal knowledge if he was in the Civil War, whether he went out of the Cherokee Nation or not?
A No sir, I do not.

5 J A.

Q When did you first see him after the war? A Down at Locust Grove by a store where they would get some goods.
Q Where is Locust Grove, in the Cherokee Nation?A Yes sir, that is below the asylum.
Q When was it you saw him after the war? A In the summer of '66.
J.S.Davenport: The Asylum was there then? A No sir, the building was there; it was Ross' building.
Q How oldwere you at the breaking out of the war? A I was 21.
Q How oldwas Jim? A I don't know how old he was.
Q How far did you live from him at the breaking out of the war? A Nearly thirty miles.
Q How long had it been since the war broke out that you had seen Jim Alberty? A I don't know exactly howlong; I never kept track of it. I would just see him.
Q You don't know whether it had been two or three years you had seen him before the war broke out or not? A No, it was longer than that.
Q The only thing you know is that he at one time before the war belonged to one of the Alberty's, and that after the war you saw him back here? A Yes sir.

Simon Lynch, being sworn and examined by Commissioner C.R.Breckinridge, testified as follows:
Q Give me your full name? A Simon Lynch.
Q How old are you? A About 72 I guess.
Q What is your posteffice?A Spavinaw Mill.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A All my life, only when I went out the time of the war, and stayed a little while.
Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Joe Lynch.
Q He was a Cherokee citizen, was he? A Yes sir.
Edgar Smith: Did you ev er see him back in the Cherokee Nation after the war, Jim Alberty? A Yes sir.
Q When did you see him the first time? A In the fall of '66.
Q Where? A At my house on Grand River.
Q Well, what became of him, do you know? A He lived down below me all the time ever since.
Q How far below you? A I don't know how far it is.
Q In the Cherokee nation? A Yes sir.
J.S.Davenport: Simon, did you know Jim before the war broke out? A Yes sir.
Q How near did you live to him before the war broke out? A I lived at old man Joe Lynch's; he lived at old man John Alberty's; we used to trade horses.
Q That was about thirty miles apart? A No sir.
Q How far? A About twenty or twenty two miles.
Q How long had it been before the war broke out that you had seen Jim Alberty? A I don't know how long it had been.
Q Two, three, or four years? A Two, I guess it was.

Moses Hardrick, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name? A Moses Hardrick.
Q How old are you? A 71.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A I live in Delaware county.
Q How long have you lived in the Cherokee nation? A Ever since I was born up only that time I was out in the war time.
Q Were you a slave in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q To whom did you belong? A Bennie Rogers.
Edgar Smith: Do you know Jim Alberty? A Very well.

6 J A.

Q Did you know him before the war or after? A Before.
Q How long before the war did you know him? A I couldn't tell you how long before the ware It was in slave time. We used to go to his master's place down there they lived. I would hard up our cattle and drive them back to our cow ranch.
Q Who was his master? A John Alberty.
Q Was he a Cherokee citizen? A Yes sir.
Q Do you know of your own knowledge what became of jim Alberty during the war? A I do not.
Q He wasn't with you? A No sir.
Q Did you see him back here after the war? A Yes sir.
Q When? A A while after I come here.
Q When did you come? A I come back here in '66.
Q How long after you come back? A I seen him that summer.
J.S.Davenport: Did you come back before or after the treaty was made? A I don't know anything about the treaty, I come when the war was over.
Q You never heard about the treaty being made when you started back? A I heard about the treaty, and that is the reason we came home.
Q And then you know you came back after the treaty was made? A Yes sir, must have.
Q He come the following summer after you come back? A The same summer I went down to Fort Gibson and saw him.
Q What summer did you go down there and see him? A The first summer after the war.
Q You came back after the treaty was made? A Yes sir.
Q And the first summer you came back, you went to Fort Gibson and saw him? A Yes sir.
Q He belonged to John Alberty when you first knew him? A Yes sir.
Q You don't know where he went during the war? A No sir.
Q You know where he was when the war broke out: A He was down to Alberty's because that spring we were taken down to get the cattle, and he was there with us.
Q You swear positively that he was there with you when the war broke out? A Yes sir.
Q If he states that he was sold in Arkansas to a man before the war was broke out he is mistaken? A I don't know anything about that.
Q Do you know jim Alberty was sold out of the country or not? A I do not.
Q Are you able to say he was not, and that he was a slave of John Alberty, are you? A I won't do that.
Q And you don't remember positively what time you saw him at John Alberty's when the war broke out? A It was in the spring; I was a cow driver and I had to go and bring the cattle back up here.
Q Do you know Jerry Alberty? A Yes sir.
Q Did you know him before the war broke out? A Yes sir.
Q Was he down at John Alberty's when the war broke out? A Yes sir, he was with us gathering cattle.
Q He was there in the neighborhood and he knew John Alberty's slaves, didn't he? A I don't know what he knew.
Q You never seen him? A He was there helping us gather cattle.
Q You know where he lived? A I don't know, he lived near the Alberty's.
Q Do you know where Jim Alberty was living when the war broke out? A Yes, sir, at John Alberty's place.
Q In Saline District? A In the old Nail Farm.
Q It is in Saline District now, is it wasn't then? A I don't know. I reckon it was here.
Q Don't you know? A I don't know anything about the district.
Q What started you living in? A Consequences.
Q Do you know the time to Commissioner Adair? A No sir.
Q Don't know any thing to the character of the Cherokee Nation?

7 J A.

William Rider, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A William Rider.
Q How old are you? A 56.
Q What is your postoffice? A Ghouteau.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a sla e in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A Tom Rider.
Edgar Smith: Did you know Anderson Alberty sometimes called Reed? A Yes sir.
Q Is he living or dead? A He is ead.
~~Q Where did he live? A He lived, when I know him he lived here~~ at Ghouteau.
Q Was he married or single? A He was single at that time.
Q When did you first know him at that time you are speaking about now? A In '66 or '67.
Q Do you know whether he afterwards married or not? A Yes sir.
Q Do you know his wife's name? A Melvina.
Q Where did he live then when he was married whenhe was living with Melvina? A Up here about Big Cabin, I believe.
Q Do you know how long he and Melvina lived together? A No sir, I do not.
Commissioner: Did you know Melvina Alberty before she married Anderson? A No sir.
Q All you know is that she lived as the wife of Anderson Alberty? A Yes sir.
Q How long did you know them as man and wife? A I didn't know her at all; I seen her after he was married; he didn't come down to the river after they were married.
Q Where did they live after they were married? A Up here on Big Cabin.
Q You only know of the marriage from hearsay? A Yes sir, I know that was his wife; I saw him once since that.
Q You say you never saw her? A No sir.
Q How do you know anything about her - how do you know her name was Melvina? A He told me his wife was named Melvina.
Edgar Smith: Do you know anything about whether they lived together as man and wife in that community - did you know it before, or by anybody except him? A No sir.
Q Did you know it from the community in which he lived, the neighbors that lived around? A No sir, they never said anything to me.
Q All you know is what he said? A Yes sir, is whathe told me.

The applicant applies for the enrollment of himself and two grandchildren. The applicant is not identified on the roll of 1880 or on the roll of 1896; he is identified on the Verna Clifton roll, and he is also upon the Wallace roll, but after his name there is written a word "rejected". He claims to have lived in the Cherokee Nation all his life, except a brief absence during the Civil War. It is conceded by the Cherokee representative present that [illegible] he was sold as a slave into the State of Arkansas before the breaking out of the Civil War, and was a slave in that state at that time, and of a citizen of that state, and hence he does not come under the treaty of 1866. For the further consideration of this case, the applicant will now be listed as a Cherokee freedman on a doubtful card. The two grandchildren, Sam and Daisy Alberty, are identified on the Verna Clifton roll; they are living at this time; they are not identified on the roll of 1896, but the father of these children is identified on the Wallace roll, and there is a child in that family identified on the Wallace roll as being dead; which has to be decided by

S J A.

Daisy Alberty, as no child of that name is known in this family, which was sometimes called Alberty, and sometimes called Reed. There appears to be only these two children. The father of these children, who was the son of the applicant, now deceased, is identified on the Wallace Roll, but not upon the roll of 1880. It has not been developed or contended that this son, Anderson Albertyk was sold with his father from the Cherokee Nation prior to the Civil War. It is desired to further establish the marriage between Anderson Alberty and his wife, Mel vina, who is said to be still living and not to have remarried since the death of her husband, Anderson Alberty. It is desired also to establish the status of Melvina Alberty, at the time of her marriage to Anderson Alberty, as arising from any pre vious marriage or marriages that she may have con tracted. It appears that she was a State Freedman of the State of Kansas, but she may have acquired rights through her husband by intermarriage. Under these conditions these two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the applicant is desired to inform his daughter-in-law, Melvina Alberty, that she should make application forher own enrollment as a Cherokee Freedman by intermarriage.

Counsel agree to introduce additional testimony on Tuesday of next week.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the fore going is a full, true and correct transcript of his stenographic notes thereof.

(signed) R.S. Rothenberger.

Subscribed and sworn to before me this 17th day of May, 1901.

(signed) C.R. Breckinridge,
Commissioner.

S 247

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1901.

Supplemental testimony in the matter of the application of Jim Alberty for enrollment as a Cherokee Freedman.

Smith and Bellette, Attorneys for Applicant, Attorney Smith present. W.W. Hastings, and J.S. Davenport, Attorneys for the Cherokee nation, present. Testimony taken by stenograph.

R.V. Lindsey, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows: (witness on behalf of the Cherokee Nation.)

Q What is your name? A R.V. Lindsey.
Q What is your age? A 66 years.
Q What is your post-office address? A Chelsea.

By W.W. Hastings, Department Attorney: Mr. Lindsey, you have been prior to the war? A I was living at the place called Dennis's Store, on the west side of Grand River, four miles east of the Grand Saline.

Q That would be the general geography to Mr. Jim Alberty? A Yes, Jim lived on the east side of the River, and Grand River is on the east side of his farm.

Q Did you ever live on the south side of the River? A No sir, I lived right where the mouth of Pryor Creek.

Q Were you married before the war? A Yes sir.
Q What is your wife's maiden name? A Maria Bryan.
Q What relation was she to Joel Bryan? A A daughter.
Q Did you know John Alberty who was a Cherokee citizen? A Yes sir, very well.
Q How far did John Alberty live from where you did before the war? A About six miles.
Q Do you know a colored man that was once owned by John Alberty by the name of Jim Alberty, who is the applicant here? A Yes sir.
Q Did you know him before the war? A Yes sir.
Q And you have known him since the war? A Yes sir.
Q When you first knew him who did he belong to? A He belonged to John Alberty.
Q This John Alberty who lived near you? A Yes sir.
Q Now state what you may know of his ownership at the time the war came up, anything that you may know about it? A The war came up in '61. The last I knew of Jim was in April '60, about the first of April, and the last I seen of him was April. Mr. Alberty had taken him and another man, and a woman and a man then the proprty of old man Bryan from Bryan's store.
Q Is John Alberty alive? A No sir.
Q Now go ahead and state it, the last you knew of Jim, what you were going to state? A The last I seen of Him, John Alberty was riding horse back, and he had, I can't now recall the young man's name that was driving the wagon, and he had four of these colored people, Jim and Fred and his wife, and a woman, I don't recollect her name, the four in a wagon; that is the last I knew of them.
Q That was in April of '60? A That was in April of '60; that was the last I seen of him until after the war.
Q Where did John Alberty live from '60 until the war came up? A At the crossing of Pryor Creek on the military road, the same place where he had been living at for years.
Q Was Jim Alberty living there with him at that time? A No sir.
Q At the time the war came up? A No sir.
Q Had he been there since April, 1860? A Not that I know of; never seen him or heard of him.
Q Well, what became of the other two colored people who belonged to your father-in-law, Joel Bryant? A I could tell it, but the technical testimony I don't know how; I have heard it.
Q What became of Jim Alberty? A Mr. Alberty said he sold them to a party down below Little Rock.

Applicant's Attorney objects to answer and moves to strike it out.
The objection is overruled and exceptions noted.

Commissioner: Mr. Alberty was the owner of Jim Alberty? A Yes sir.
Q And he told you so? A Yes sir.

Applicant's attorney objects to the above question and answer and moves to strike it out.
The objection is overruled and exceptions noted.

Cross-Examination: Do you know what he got for them? A No sir.
Q And after he told you that, did you ever see Jim Alberty in the Cherokee Nation before the war? A No sir, until after the war.
Q And you lived in the same neighborhood? A Yes sir.
Q Was there any one else known as with Jim Alberty? A Another party, a woman of Mr. Alberty's, and a woman and a man of Joel Bryan.
Q Did you see any settlement made with Mr. Alberty with reference to them? A No sir; I did not see any money paid over to them.

I was in the house, and I don't know anything about the amount of money.
Q Col. Bryan's darkies went off the same time? A Yes, the same time with the Albertys.
Q Do you know how long Mr. Alberty was gone on that trip?
A No, I couldn't say; it wasn't a very great while; maybe two weeks andmaybe not so long.
Q He was back there in the spring of 1860? A Yes sir, he wasn't gone a great while.
Q And after he came back you never saw the applicant, Jim Alberty, until after the war? A No, I have answered that.
Atterney Edgar Smith: Mr. Lindsey, Joel Bryan took his slaves down to Mexico and peoned them, didn't he? A To some extent, I don't know that he peoned them. I will make a statement if you want one.
Q Tell us what you knew about it, did he peon some of his slaves in Mexico? A Well, for the life of me, I can't say, yes, and I couldn't say, No. As I said, and I think with a few words I can tell you. He made a contract with some of his slaves to take them to Mexico for so much money, and when he got there they left them and he sued them on the contract. Well, it is this way, you may be more familiar with the laws of Mexico than I am; but it is this, this debt would hold over for diversified claim at a fixed salary until the debt was paid, but at any day if you could get another man, if you would come to me and say I owe so much money, and I would work it out for you he sued a man and got judgment, and Gov Taraszes come in and paid the judgment, and in the matter of course, these parties became slaves of Judge Taraszes.
Q So they made an agreement with him? A They signed a contract with him.
Q Where did they agree on that? A Fort Stockton, Texas.
Q After they became free? A Just at that time; it was just a little while before they became free.
Q They were down there and had no way to get out? A When they started from Red River it was not understood that they were freed at the time Col. Bryan sold several and there were parties following to buy these, and the so others some of them niggers, they had been raised in the family, they didn't want to sell and they didn't want to be sold; this other party wanted to go and they went on and they sold them all there.
Q Where? A On Red River and in Bastrop County, Texas; everyone of them.
Q As a matter of fact after the war was over and these people were freed, Bryan took them down to Mexico and peoned them? A I made a statement that was the way they were peoned; they owed this debt.
Q What debt was that? A It was for the transportation to go to Mexico.
Q All you know about Jim Alberty of your personal knowledge is that you saw him in a wagon with two or three other colored people in the spring of 1860? A Yes sir, in '60.
Q And you didn't see him any more until after the war? A No, I didn't see him any more until after the war.
Q You cannot know of your own personal knowledge what became of him? A I told you before that he, Mr. Alberty, sold him so little that?
Q That is what Mr. Alberty said? A Yes sir.
Q You never saw him in Little Rock? A No sir, I never saw him until after the war, after he left in the wagon.
Q Cannot cannot tell the 11 Alberty told you that, after he left? A No sir, after he came back; he was only gone two weeks.
Q I thought you said you didn't see him after he went away? A I didn't see him any more, but I say that Alberty in the wagon came back in weeks.

Q Do you know evenif John Alberty had or sold Jim Alberty in '60? you don't know whether Jim Alberty's owner ever resold him to John Alberty or any citizen of the Cherokee Nation? A No sir, I don't know anything about that.
W.W.Hastings: You know he never came back? A I know I never saw him until after the war.
Commissioner: When did you see him after the war? A I think it was in '68.
Q Not sooner than '68? A Wel it shouldn't have been, because I wasn't in the country until the latter part of '67.
Edgar Smith: You weren't here until nearly '68? A No sir, December, '67.

Recross examination of Applicant by W.W.Hastings, Cherokee Attorney:

Q What is your name? A Jim Alberty.
Q Mr. Alberty, you testified in some case the other day that you were in the union Army, didn't you? A Yes sir.
Q You testified that you joined the Army at Little Rock, Arkansas?
A Yes sir, I did.
Q And that you went rhrough the war in the union Army? A Yes sir I did.
Commissioner: How did you get to Little Rock? A I run away and went there.
Q Did you run away from John Alberty? A Yes sir.

(Counsel for Applicant moves to strike out all that portion of witnesses testimony relating to what John Alberty told him with regard to selling applicant.
The motion was overruled and exceptions noted.)

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E.C.Rothenberger.

Subscribed and sworn to before me this 8th day of May, 1901.
(signed) S.H.Breckinridge,
Commissioner.

Mallette & Smith, attorneys for applicant;

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20th, 1901.

In the matter of the application of Malvina Alberty for enrollment as a Cherokee Freedman; she being sworn by Commissioner S. H. Breckinridge, testified as follows:

Q What is your name? A Malvina Alberty.
Q How old are you? A 27.
Q Is your post office address Muskogee, Indian Territory?
Q In what district do you live? A Muskogee.
Q Are you married or have married freedman husband? A Yes sir married.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q When were you married? A Two years ago.
Q To whom were you married? A Jim Alberty.
Q Have all you always had? A Always found.

Q Who do you claim through? A Anderson Alberty.
Q Have you a certificate of your marriage? A Yes sir.
Q Were you ever married before you married Anderson Alberty? A Yes sir.
Q How many times? A Once.
Q What was the name of your first husband? A Tony Daniels.
Q Was he a State man? A No sir he was a Cherokee Freedman but he died in Kansas.
Q When did he die? A In '71.
Q When did you marryhim? A 1866.
Q Did you live with him there in Kansas? A Yes sir.
Q Did he ever come back to the Nation himself? A No sir, his folks lived on Big creek.
Q What was Anderson Alberty doing in Kansas when you married him?
A We was going up there to get a pension, and they said that we had to be married and so we got apreacher to marry us up there.
Q Was he living up there? A No sir.
Q Was he ever married before he married you? A No sir, not as I knows of; he was soldiering around and might have been pretty bad about women like all other men is I dont know.
Q When did Anderson Alberty die? A In '91.
Q Have you married since he died? A No sir I wouldn't marry again, I am drawing a pension.
Q Have you lived with any other man as his wife since he died?
A No sir, fore God I aint living with no man.
Q Where are you living now? A 5 or 6 miles west of Welch.
Q Who with? A A colored family, and has two children there some of thetime.
Q You are not on the roll yourself? A No sir.
Q Did you know anything about Anderson Alberty before you married him? A Yes sir, first got acquainted with him time of the war.

By Mollette:
Q The two children, Cora and Daisy are your childrenby Anderson Alberty? A Yes sir I am their mother.
Q Was Anderson Alberty their father? A Yes sir.

By Com'r Breckinridge.-

The applicant states that she was married in 1866 at Oswego, Kansas, to a Cherokee Freedman, now deceased. His status has been gone into in Cherokee Freedman Doubtful card 7297, in which is embraced the enrollment of the two children of the applicant by the said Anderson Alberty. The testimony is to the effect that the said Anderson Alberty was never married prior to his marriage to her, but she is not positively informed on that subject. She stated that she was once previously married, but thether former husband died in 1871, and consequently prior to her marriage to Anderson Alberty. She states that her former husband was a Cherokee Freedman, but that he married her in 1866, in the state of Kansas, and that he lived with her in Kansas until he died. Applicant's attorney states that he has a marriage certificate establishing her marriage to the said Anderson Alberty, which he will file with this case tomorrow. She will be entitled for enrollment as a Cherokee Freedman by intermarriage as a doubtful card 7297, the same being the card including her children. The applicant states that she has never remarried since the death of her husband Anderson Alberty. The final decision of the commission will be made upon the merits of her participation claim.

* * * * * * * * *

[illegible]

and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 1st day of June, 1901, at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copies and that so the are true and complete copies of the originals.

M D Green

Subscribed and sworn to before me this August 26th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 18, 1901.

In the matter of the application of Joanna Cook for the enrollment of herself as a Cherokee Freedman; being sworn and examined by commissioner Needles, she testified as follows:

Q What is your name? A Joanna Cook.
Q How old are you? A 22.
Q What is your post-office? A Chouteau.
Q What District do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody but you self? A No sir.
Q What is your father's name? A Jim Alberty.
Q Is he living? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Cook.
Q Is he a citizen? A No sir.
Q When were you married to him? A Been married about a year and six months.

Non-Citizen pay roll of citizens of the Cherokee Nation examined and applicant identified thereon
page 144 #3573 Joanna Alberty Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q How long have you been a citizen of the Cherokee Nation? A All my life.
Q Born and raised in the Cherokee Nation? A Yes sir.

Com'r Needles: Joanna Cook applies for the enrollment of herself; she avers that she is a child of James Alberty, who was duly listed for enrollment on D card 287, and the testimony in the matter of the application of James Alberty will be made part of the record in the case at bar, with a copy thereof filed herewith; she avers that she is married to one George Cook, a non-citizen, she is duly identified upon the Non-Citizen pay roll and makes satisfactory proof as to residence, consequently, Joanna Cook will be duly listed for enrollment as a Cherokee freedman on a doubtful card, awaiting further consideration of the Commission; she will be notified of the action of the Commission, by mail.

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M. J. Green, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he has faithfully recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 29, 1901.

Commissioner

File with case of Joanna Cook, C.F.-D.#745.

Supl. C.F.-D.#[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JIM ALBERTY as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:

Proof of service of notice to applicant filed; Applicant called and does not appear neither in person nor by attorney;
W. W. Hastings present for Cherokee Nation.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows: BY MR. HASTINGS:

Q What is your name? A J. W. Alberty.
Q Mr. Alberty, what is your age? A I am 67 years old.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q What is your post office? A Westville.
Q Where did you live before the war? A I lived right in about two miles and a half or three miles west of Westville.
Q Did you know Mr. John Alberty before the war? A Yes, sir.
Q Where did he live before the war? A He lived right on Pryors Creek.
Q He was a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know a colored man, applicant for enrollment, by the name of Jim Alberty, commonly known as Sheep Jim Alberty? A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q Now, tell the Commission what you know about his ownership?
A Well, he belonged to John Alberty and John Alberty and me were cousins and he and my wife sisters and we was very intimate and along about '57 or '8 there was a man by the name of Hoolan and Bill McCracken brought Jim and another colored man by the name of John and sent me to take them from my house to Evansville, and John Alberty taken him off from there and carried him south. I also had a negro girl mortgaged belonging to John Alberty by the name of Violet and he came back and redeemed Violet and took her home.
Q Did you know where John Alberty took Jim? A I don't know he went to Memphis off on the trip, I don't know where he sold the negro man.
Q And then he came back from that trip he redeemed the negro girl you had mortgaged? A Yes, sir.
Q How much? A Eight hundred dollars.
Q Was Jim with him when he came back? A No, sir.
Q [illegible] Where was Evansville? A State of Arkansas.
Q You turned Jim over to him in the state of Arkansas?
A Yes, sir.
Q Do you know that he took him off for?
A Yes, sir, to sell him.
Q Well, did he say what he did with him? A Sold him.
Q About how long was he gone? A About six weeks.
Q When was this? A That was about '57 or '8.
Q Did you see Jim from that time until after the war?
A I heard of him from that time until the present, I didn't [illegible] him at all.
Q [illegible] Who did you say had been the owner of Jim?
A [illegible] John Alberty.
Q Was he a Cherokee citizen? A Yes, sir.
Q [illegible] Yes, sir.

Q You only know as to the [illegible] what Alberty told you? A Yes, sir; well I know he brought the money back.
Q Well, you know he brought money back? A Yes, sir.
Q But you don't know that he sold Jim, only from the circumstance and what Alberty told you when he came back? A No, sir.
Q The fact you don't know that he sold him only what he said? A Yes, sir.
Q He started to sell him? A Yes, sir.
Q And when he came back he said he sold him? A Yes, sir; he never [illegible] back and has not been there after that.

JAKE ALBERTY, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:
Q What is your name? A Jake Alberty.
Q What is your age, Mr. Alberty? A I will be 48 in March.
Q What was your father's name? A John Alberty.
Q Where did he live before the war? A He lived near Pryor Creek, on Pryor Creek.
Q Was your father ever the owner of a negro slave by the name of Jim, now known as Sheep Jim? A Yes, sir.
Q Not, that because of him? A I don't know; he took him off before the war; I remember that; said he sold him.
Q You were quite small? A Yes, sir, I was just a boy.
Q Did you know what your father said about it? A No, sir, I don't remember anything about it.
Q Well, do you know whether he sold him or not? A Well, that is my understanding, he took him off to sell him.
Q Was he at your house during the war? A No, sir.
Q You were living with your father? A At that time?
Q Yes? A Yes, sir.
Q Did you go south with your father? A Yes, sir.
Q Was this Jim along when you went? A No, sir.
He was not along.
COMMISSIONER: You say your father went south during the war? A Yes, sir.
MR. HASTINGS: Was that after Sheep Jim was missed, or gone? A Yes, sir.
Q He was not along with you? A No, sir.
Q Have you ever seen Sheep Jim since? A Yes, sir.
Q When was the first time you saw him? A I don't know, it was back here, right here after the war.
Q Do you recollect what year that was? A No, sir.
Q You say him right here after the war you say? A Yes, sir, when I got back.
Q There on the place? A No, sir, he was there in the neighborhood.
Q What relation is this witness who has just preceded you to you? A He is a cousin.
Q He lived there neighbor to you? A No, sir, he lived in Delaware district.
Q Do you recollect what year you came back after the war? A '66.

WILL D. WYNN, being duly sworn by Commissioner Needles, testified as follows: By Mr. Hastings:
Q What is your name? A Will D. Wynn.
Q What is your age, Mr. Wynn? A 48.
Q Are you a citizen of the Cherokee Nation by blood? A I am.
Q What official position, if any, do you hold now? A I belong to the Cherokee Lancers, I guess.
Q What is your post office address? A Pryor Creek, Indian Territory.

Q Do you know a colored man up in your country by the name of Jim Alberty, commonly known as Sheep Jim? A I do.
Q How long have you known him, Mr. Wright? A I have known him ever since about 1881 or 82.
Q Mr. Wright, were you ever arrested and taken to Fort Smith charged with shooting at or assaulting Jim Alberty? A I was.
Q About when was that? A I think it was in '83; they held two indictments against me, one was shooting Bill Duncan and one was shooting Sheep Jim.
Q Were you tried there? A I was.
Q Was this Jim Alberty a witness against you at that time?
A Yes, sir.
Q State whether the question of his citizenship was raised or not?
A It was in both cases.
Q What did he say of it? A He claimed not to be a citizen of the Cherokee Nation at the time; he claimed his Master, John Alberty had taken him below Fort Smith and sold him down below Bardstown, and sold him to a man by the name of Morton.
Q And he swore that at that time? A Yes, sir.
Q And the Court retained jurisdiction over you? A Yes, sir.
Q And tried you? A Yes, sir.
COM'R MARSHALL: The first time you saw Sheep Jim was along in '80? A Along in '80.

COM'R MARSHALL: This testimony will be made part of the testimony in the Susanna Cook case, D.#748, and Jesse Alberty, Jr., D.#[illegible].

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J. Q. Robert, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this September 24th, 1901.

[illegible]

Commissioner.

F 20-745

F. 20-745

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 19, 1902.

In the matter of the application of Addie White for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D/742.

APPEARANCES:
Mallette & Smith for applicant,
W. W. Hastings for Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. M. Johnson.
Q. What is your age, Mr. Johnson? A. 60 years old.
Q. Your postoffice address? A. Garnett, Kansas.
Q. You have lived there I believe you state in another case since 1894? A. I have, yes sir.
Q. Did you know a colored man by the name of Warren Adams? A. Yes sir, I did.
Q. Did he have a family? A. No sir.
Q. Where did he live when you knew him? A. He lived on Bush's place and over on Judge Sorrels's place.
Q. When did you get acquainted with him? A. Somewhere in '70.
Q. How long did you know him up there? A. I knew him till the summer of '80.
Q. You know where he went when he left there? A. I don't know, sir.
MR. SMITH: What was his name? A. Warren Adams.
Q. You knew a Warren Adams that left Kansas in '80? A. Yes, sir.
Q. Well you don't know where he is now? A. No, sir I do not.
Q. Did you said you didn't know where he went to? A. I don't recollect whether he went to the Territory or where he went to I don't know.
Q. You don't know where he went? A. No, sir.
Q. You didn't know about his family, if he had one? A. I didn't know.
Q. Tell that was their names? A. One girl I don't know what her name was. They called her Dinkey.
Q. Well did he have anybody else? A. I think there was another girl I don't know.
Q. You sure about that? A. Yes sir.
MR. HASTINGS: You know his wife's name? A. I do not know.
Q. Was he a colored man? A. He was, yes sir.
Q. Do you know [illegible] Cherokee Nation [illegible]
Q. You don't know the law of [illegible] A. I do not.
BY MR. SMITH: Mr. Johnson, how did you get to be acquainted with Warren Adams? A. Well I think [illegible] and had his headquarters out here. A. Yes sir.
Q. Was you intimately acquainted with him? A. Yes sir.
Q. You knew where he was? A. I do not.
Q. You knew where he was? A. Yes sir.
Q. Where was he? A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible]

of these applicants, Mattie Virgil and Addie White, be be their father? A I don't know the Addie White.
Q Ben Adams? A Ben Adams; I thought he had a boy named Ben.
AQ And this Warren Adams that you know is the father, who was alleged to be the father of these applicants? A I don't know anything about these applicants outside of Warren.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Martha Virgil, who appears by A. S. McBee, Muskogee, I. T., Dp D-726, and in the case of Hattie Rogers, D-1007, represented by Lewis T. Brown, who appears by Mellette & Smith. Also in the case of Addie White the same being the case at bar, No D-722, who is represented by Mellette & Smith.

MR. HASTINGS: The Cherokee Nation asks that this testimony be made a part of the record in the case of Ben Adams v. D-715, the said Ben Adams being the son of Warren Adams and a member of these other applicants.

COMMISSION: The request of the attorney for the Nation will be complied with and the testimony filed.

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Arthur Cruntinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur O. Cruntinger

Subscribed and sworn to before me this 27th day of May, 1920.
(SEAL) (Signed) F. S. Slater
Notary Public

H. H. Hastings, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

Subscribed and sworn to before me this 7th day of June, 1920.

To be filed in Cherokee F. R. 707 and 708.

Cherokee Freedman R 300.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ANNY RIDER as a Cherokee freedman.

APPEARANCES:
For Applicant, J. J. Bulger appears on behalf of William Henry White, Attorney for applicant.
For Cherokee Nation, J. S. Davenport.

JOHN LANDRUM, being first duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Landrum, they call me Jack.
Q Where do you reside? A I reside on Lightning Creek.
Q What is your postoffice? A Hayden.
Q What is your age? A I am about 54.
Q Are you a Cherokee freedman? A Yes sir.
Q Are you identified upon any of the Cherokee rolls as a freedman? A Yes sir.
Q What rolls? A 1880 and the authenticated '80.
Q How long have you lived on Lightning Creek? A I have been there I guess about 40 years as near as I can remember.
Q When did you go to Lightning Creek That was the first time after the war? A I went there in '66.
Q What time of the year in 1866? A In the fall, the latter part of the fall.
Q Did you remain there for sometime afterwards? A No sir, not exactly, just went backwards and forth but I had a place there. A claim there.
Q Did you see or meet a woman on Lightning Creek in the fall of 1866 by the name of Martha Hayden? A I did for a fact.
Q Was there any one with her? A Yes sir.
Q Who were they? A Her daughter and a young man they called Whitney Reed and another one.
Q What was this daughter's name? A Sarah.
Q What is her present name? A Dunbar.
Q Was Andy Rider with Mrs. Hayden at that time? A Yes sir, a little kid, small, just a boy like.
Q Where did they live, or did they live on Lightning Creek that winter? A Yes sir, they stayed there.
Q Who stayed there? A Mrs. Hayden.
Q Did they make any improvements on Lightning Creek? A Yes sir.
Q Do you know whether or not Andy Rider remained in that vicinity continuously after that date? A Yes sir, he did, and that is the fact truth, so help me, if I am talking the truth I am talking it, that is right.
Q Did Andy Rider live on the premises continuously as one that dated? A Yes.

BY MR. DAVENPORT:
Q Was Andy Rider living in the Cherokee Nation when the war broke out? A Yes sir he was in the army he was there and he remained there.

Q What time in 1866? A Well in the fall of the year.
Q In the fall of the year? A They come there, yes it was.
Q Where were you in the fall of 1866? A I was there on Lightning Creek.
Q What part of Lightning Creek? A What isnear the Hayden settlement now.
Q Were you keeping house there then? A Yes sir, of course I was.
Q Had a house built? A Had a little house, a little old log house.
Q Did you have your family with you? A Yes sir, at that time.
Q Did you have your family with you? A I carried my family them.
Q Then you and your family in the fall of 1866 were living on Lightning Creek in a house were you? A Now you ask me a question, ~~you ask me a civil question and I will answer. I had a place the~~ there ~~at~~ mind you, I made me a place at that time, my family wasn't there at that time.
Q Did you bring your family with you to the Cherokee Nation in 1866? A No sir.
Q Your family lived in or near Neosho Falls, Kansas, for several years after that time? A When I moved my family it was in '67 but I was here first.
Q Didn't your family live in Neosho Falls, Kansas, as late as 1868?
A No sir, that is the truth.
Q Had you ever known this applicant before the war? A Well I saw him once. No I will tell you the truth I don't think I did.
Q Had you known his mother before the war? A Yes sir, I had seen her.
Q Who was she living with when you saw her? A One of the Cook's.
Q Where was Cook living? A I don't know just exactly where he was living, just a man here and there, one of them wild men didn't have no certain place.
Q Where was he when you saw her with him in the Cherokee Nation?
A I don't know sir where Cook was.
Q Now I want to know if you ever in your life saw the mother of this applicant, Andy Rider before the war? A Yes sir, I am telling you I did.
Q Now I want to know where in the Cherokee Nation you saw her or where was it you saw her? A There at Tahlequah.
Q At whose place at Tahlequah was she? A At Ben Sanders.
Q Then you didn't see her at Cook's place as you testified awhile ago? A No sir, I didn't see her because Cook didn't have no place just rambling around here and there at that time.
Q Did you ever see his father before the war? A No sir, I don't know nothing about his father.
Q Were you acquainted with him mother? A Nothing in particular, just seen her, I wasn't acquainted with her.
Q How did you know that she is now--what is claimed to be the mother of this applicant? A Just seed the people what knew.
Q I am asking you of your own knowledge? A I am telling you what I know.
Q You don't know that of your own knowledge that you have seen the mother of this applicant? A I seed the mother, so said it was his mother.
Q Was the applicant with the mother at the time you saw her? A No sir, I tell you not.
Q Then you don't know anything about who is mother was do you?
A No sir, not just in particular but I am satisfied it was his mother.
Q You saw the applicant come back to the Cherokee Nation with whom?
A With Mrs. Hayden, Martin Hayden.
Q And he didn't come to the Cherokee Nation until she came? A She brought him here on Lightning Creek.
Q So far as you know the applicant never returned to the Cherokee Nation after the war until Martin Hayden brought him here? A Not to my knowledge.

Q You don't know what year that was? A It was in '66 I told you.
Q Why do you know it was 1866? A Because I have got a right to, my mind tells me it has been about 39 years ago.
Q When did you make up your mind it has been 39 years ago? A I had it all the time just like you.
Q You talked it over today and it has been 39 years ago? A Just about that long.
Q How long has it been since the Wallace payment? A I can't tell you just exactly, not the date.
Q Can you tell me the year? A I tell you Mr. you must have a little sympathy for me cause I am a man raised up almost heedless, didn't have the chance to have the knowledge.
Q You show a decided knowledge of 1866, now I am asking you what year it was the Wallace roll was made? A I don't know just exactly what year it was.
Q What year was the Kern-Clifton roll made? A It must have been in '90--'90's somewhere along there I dan't tell you just exactly. Mr. Davenport don't try to make me lie and then laugh at me.
Q What year did the Dawes Commission commence to make the freedman roll they are now making? A That has been about two years ago, I know that.
Q It has been more than four years ago, hasn't it Uncle Jack? A It hasn't been that long.
Q Don't you know that it is a fact that this Commission began making the freedman roll April 1, 1901, four years ago last April? A Four years ago, just listen at that.
Q Answer me yes or no? A I don't think it was.
Q What year did you move your family from Neosho Falls, Kansas, to the Cherokee Nation? A Didn't I tell you once.
Q You can answer the question? A I told you once, I told you I moved my family in '67.
Q What did the applicant do here the first year or two after he came down to the Cherokee Nation? A He wasn't big enough to do much, just a little piddling around.
Q Who did he live with? A Backwards and forth with Lewis and sometimes with me.
Q Where were you living on Lightning Creek before he lived with you? A In the neighborhood on Lightning Creek.
Q He didn't live with Mariah Hayden? A No sir.
Q What did he do when he was living with you? A He would do little chores around, drive up the cows.

W I T N E S S E X C U S E D .

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Geo. W. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, and that the above and foregoing is a true and correct copy of the original thereof, the same being the testimony of John Landrum taken at Muskogee, Indian Territory, November 16, 1900, in the matter of the application for the enrollment of Andy Rider as a Cherokee Freedman, C. D. R. 880.

Subscribed and sworn to before me this 23rd day of November, 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ALEXANDER ALBERTY and JOANNA COOK as Cherokee Freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings.

The records of this office show that on September 8, 1906, the Department ordered a rehearing in this case, of which action the applicants, their representative, and the Attorney for the Cherokee Nation were duly advised. The records further show that this case was set for hearing on November 8, 1906, at which time the following proceedings were had.

NAN ADAIR, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Nan Adair.
Q How old are you? A 49.

Mr. Hastings: Comes now the Attorney for the Cherokee Nation and objects to the taking of the testimony of this witness for the reason that it does not appear that her name was included within a list of witnesses furnished the Commissioner to the Five Civilized Tribes on October 6, 1906, as being one intended to be introduced on behalf of these applicants.

On Behalf of the Commissioner: The records of this office show that the Agent for applicants on October 6, 1906, notified this office that he expected to introduce on behalf of applicants the testimony of the witnesses whose names and addresses he furnished. In accordance with that advice the Attorney for the Cherokee Nation was notified thereof and the case was set for hearing on this date. As the name of Nan Adair was not included in the list of witnesses furnished, the objection of the Attorney for the Cherokee Nation will be sustained.

JOANNA COOK, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Joanna Cook.
Q Are you married? A Yes sir.
Q What was your name before you married? A Joanna Alberty.
Q How old are you? A 27.
Q Who was your father? A Jim Alberty.
Q Who was your mother? A Charity.

Q Do you know what her name was before she married your father?
A Yes sir.
Q What washer name before she married? A Charity Landrum.
Q Is your mother living now? A No sir.
Q Do you know when your mother died? A Yes sir.
Q What is your best knowledge as to when she died? A She died when I was about two years old.
Q Do you have any idea where she was? A Yes sir, I know where she died at.
Q Where? A On Big Creek.
Q Was she buried up there? A No sir.
Q Where was she buried? A Buried on Lightning Creek.
Q Where do you live now? A I live about six miles east of Choteau
Q How long have you lived there? A About 12 years.
Q Where did you live before you moved there? A Lived on the River and on Big Creek, moved from Big Creek on Grand River.
Q Cherokee Nation? A Yes sir.
Q Have you ever been out of the Cherokee Nation since you were born, that you know of? A No sir.
Q Lived in the Cherokee Nation continuously since your birth?
A Yes sir.
Q Have you got a place in the Cherokee Nation? A Yes sir.

Mr. Hastings: Objected to as being irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

Q Still live on your place? A Yes sir.
Q Do you know any of your Uncles and Aunts? A Yes sir, I know some of them.

Mr. Hastings: Objected to as being irrelevant and immaterial because these applicants cannot be admitted on indefinite relationship. It makes no difference if they had 40 uncles and aunts who are admitted and who are citizens of the Cherokee Nation. If they claim through their mother they must show that their mother was entitled to enrollment as a citizen of the Cherokee Nation.

On Behalf of the Commissioner: The objection will be noted.

Q Name some of your Uncles and Aunts? A Uncle Jack Landrum, Uncle Jim Landrum. Uncle Leonard Sherman.

Mr. Hastings: No cross examination.

W I T N E S S E X C U S E D.

ALEX ALBERTY, being first duly sworn by D. P. Manning, a Notary Public, testified as follows:

BY MR. WILSON:
Q What is your name? A Alex Alberty.
Q How old are you? A About 30.
Q Who was your father Alex? A Jim Alberty.
Q Who was your mother? A Charity.
Q What was her name before she married your father? A Charity Landrum.
Q Where do you live now Alex? A About 6 miles east of Choteau.
Q Got a place there? A Yes sir.

Q How long have you lived there Alex? A I have lived there since about 12 years.
Q Where did you live before that? A Big Creek.
Q Where were you born, or do you know? A I was told I was born on Big Creek.
Q Have you ever been out of the Cherokee Nation to live since you were born, if you know? A No sir.
Q Lived continuously in the Cherokee Nation since your birth? A Yes sir.
Q Do you know any of your Uncles and Aunts? A Yes sir.

Mr. Hastings: Objected to as being irrelevant.

On Behalf of the Commissioner: The objection will be noted.
Q Name them? A Uncle Jack Landrum.
Q Any others? A Leonard Landrum.
Q Any others? A Sherman Landrum.
Q These are all Cherokee Freedmen? A Yes sir.
Q What relation are you to Joanna Cook? A She is my sister.
Q Have the same father and same mother? A Yes sir.

Mr. Hastings: No cross examination.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn by B. P. Bagwell, a Notary Public, testified as follows:

BY MR. HILDEBON:
Q What is your name? A Thomas H. Moore.
Q How old are you? A 56.
Q Are you a Cherokee freedman? A Yes sir.
Q Where do you live? A I live up three miles east of Kenlum, Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived there? A I have been around there probably all my life, pretty near it.
Q Did you ever know Charity Landrum? A Yes sir.
Q Do you know who she was a slave of? A Master Landrum.
Q A Cherokee citizen? A Yes sir, and Aaron Landrum.
Q Do you know what time,---where did she go out of the country during the war? A Yes sir, I think she went south.
Q Do you know what time they came back, or when did you see Charity in the Cherokee Nation after the war? A The first time I saw Charity after the war my step-father heard of her coming back and he went over there in the fall of '66 and told my mother about it and she sent him back after Charity and Sophia.
Q Where was that? A Over on Robin's Branch.
Q Anyone lived on Grand River? A Right where I live now.
Q What month '66? A Yes sir, in the fall of '66.
Q How long did Charity continue to remain in that neighborhood?
A She lived with us all that winter. Well she lived right among them, a different place, lived with my father, with us, I don't know just how long, until she went out west.
Q Went out west, where did she go to? A Went out to Big Creek and followed up there and got married out there. Married Tom Alberty. Was he about 1 year, I didn't go to the wedding. Did she see her father and mother? A Yes sir.
Q How long after she went out west did you see her? A Well now, let me think! There came 3 or 4 years. Did she 3 or 4 children or more? A Yes sir. Living then, where did you see her? A On Big Creek, down on Grand Rock Rev Church's place.

Q Do you have any idea where she died? A She died up there.
Q Do you know whether these children are her children or not? A Yes sir, they were little fellows when I was there, but I haven't seen them for a long time,--after they moved down in here I haven't seen them but a time or two until here lately.
Q You never heard of her living out of the country? A No sir.
Q Do you have any idea about what time she died? A No sir, it was somewhere along in '70,--somewhere as near as I could guess at it about '79 or '80.
Q Do you have any idea whether it was before they made the '80 roll or not? A I think it was.
Q You have some recollection when they made the '80 roll? A Made it in '80.
Q You are not related to these people in any way? A Yes sir.
Q What relation? A Cousin.
Q Do you know of Charity ever drawing any money at all from the Cherokee Nation?

Mr. Hastings: Objected to because the records is the best testimony, and that is in the possession of the Commissioner to the Five Civilized Tribes.

On Behalf of the Commissioner: The objection will be noted.

A I don't remember whether she drew any or not, if she did it was that $10.00 payment.
Q Where was that $10.00 payment made to you all? A Up to Vinita.

BY MR. HASTINGS:
Q How old did you say you are? A 55.
Q I will ask you to examine this affidavit that is filed with the motion to reopen this case which is dated Vinita, January 17, 1906, made before O. E. Drake, Notary Public, and state whether or not that is your signature? A That is my signature.
Q You swear to that and recognize it? A Yes sir, that is mine.
Q Is the body of this affidavit all in your writing? A No sir.
Q You didn't write that above? A No sir.
Q Was this affidavit read to you at that time? A Yes sir.
Q Did you understand the contents of it? A I think so.
Q I am asking you now if you knew? A Yes sir.
Q How do you swear that the statements made in there are true?
A Read it and lets see.
Q I asked you if you recognized your signature? A I do.
Q Were you sworn to it before O. E. Drake, Notary Public? A I don't remember that part.
Q You do remember that Notary? A No sir.
Q Do you remember swearing to this affidavit? A No sir.
Q You do recognize that as your signature? A Yes sir.
Q Didn't you make an affidavit in this case for Mr. Hodges and no one else? A Yes sir.
Q Where did you make that and before whom? A In Vinita under oath.
Q Didn't you didn't make it under O. E. Drake? A No sir.
Q You swear that? A Yes sir.
Q You didn't swear to it before anybody else but Mr. Hodges?
A Yes sir.
Q You know that? A If I did I don't know nothing about it.
Q I am asking you if you have done. We have got a good many affidavits of yours in other cases, now did you swear to an affidavit before anybody except Mr. Hodges? A No sir, I didn't.
Q How do you know whether the statements made in this paper which I have shown you that bears your signature are true or not? Could you have signed that if they were not true? A I signed it to be true.

Q Did you read it when you signed it? A No sir, I didn't read it.
Q You are in the habit of signing them without reading them? A Mr Bledsoe read that.
Q Is that his writing there? A I suppose so.
Q Did you see him write it? A Yes sir.
Q Didn't you know what it contained at the time? A Made a statement for him.
Q Did you know what the statement contained when you signed it?
A Yes sir, I made a statement for these minor children here.
Q Did you all the facts in it,--was it read to you? A Yes sir, Mr. Bledsoe read it to me, that was all the facts he put in there.
Q Did you read it? A No sir.
Q He read it to you? A Yes sir.
Q And as he read it was the facts stated therein true? A Yes sir.
Q You have sworn now you are 55 years old? A Yes sir.
Q You swore on the 17th day of January, 1906, according to this paper, "My name is Thomas H. Moore, I am 53 years old, I live 3 miles east of Ketchum, I. T." Is that true or false? A It might have been a mistake in the age.
Q Then that wasn't true, the statement made in this affidavit? A When was that made?
Q On the 17th day of January, this year? A 1906?
Q Yes, there is the paper, this, can't you see? A Well there might have been an error in getting that age down because I am 55 years old. I can tell you when I was born.
Q Are you in the habit of making statements, signing affidavits without reading them? A I didn't read that.
Q You are in the habit of swearing to them without reading them?
A I don't know as I swore to that one.
Q You know if you did swear to it you only swore to it before Mr. Bledsoe and no one else? A Yes sir, if I did then I don't remember it. If tht is a mistake in mya ge where I got my age correct I had it figured up.
Q Haven't you always known your age? A Ever since I got so I could learn how to read.
Q You knew your age last January the same as you do now? A Yes sir.
Q Where did you say Charity Landrum was the first time you saw her after the war? A At our house where my step-father brought her.
Q What ishis name? A Lewis Rowe.
Q What time of the year was it? A Along in the fall.
Q What time of the fall of the year? A Along in October or November, somewhere along there. We call it the fall of the year.
Q Where did Lewis bring her from? A From Mrs. Landrum.
Q Were they Cherokees? A Yessir.
Q Had you ever seen her before? A Before the war?
Q Before that? A No sir.
Q That was the first time you had ever seen her? A Yes sir, that was the first time.
Q I mean that was the first time in the fall of 1866, the first time you ever saw Charity Landrum? A Yes sir.
Q And yet awhile ago you were asked to whom she belonged before the war and you testified of your own personal knowledge that she was a slave of some one? A Yes sir.
Q Are you in the habit of swearing that way of these things? A What way.
Q You have just swore now you never saw her before 1866, haven't you? A Yes sir, that was the first time I saw her after the war.
Q You said that was the first time you ever saw her in your life?
A Yes sir.
Q And yet you have swore that she was a slave of a certain Landrum

before the war? A Yes sir, I belonged to Landrum and so did she.

Q But you never saw her? A No sir, I was a small boy.

Q How can you swear to whom she belonged and you never saw her?

A My father brought her right from the folks that owned her.

Q But you never saw her before the war? A That is the way I was informed, and she was kin to me and belonged to the same people, and of course my folks would tell me all about it.

Q Is that the way you have been swearing in a whole lot of these cases that you have filed affidavits in here? A No sir.

Q You think it was in the fall you saw her at your step-father's house? A He went and got her that time.

Q How old were you at that time? A I was some 12 or 15 years old.

Q You couldn't tell, between 12 and 15? A Somewhere along there, 15 or 16 maybe.

Q Perhaps you were 17? A I was old enough to know when they come there.

Q How do you think you were 12, 14, 15 or 16? A 15 or 16 along there.

Q How long did she stay there at Rowe?s? A That winter. She lived around there. She stayed with us quite awhile, didn't have no wheres to go.

Q Stayed right there? A Right around in the neighborhood there, she lived with us and she left there and went to her father's.

Q Where did her father live? A Down on the River 7 or 8 miles, George Landrum was her father.

Q Where had she come from when your step-father went and got her?

A From the south.

Q How long had you heard of her being up there from the south in that neighborhood? A I don't know about that, how long she had been up there.

Q A week? A She might have been there longer than that. The old man was across the river over there and heard of her.

Q Was that the first you had heard of her? A Yes sir.

Q And your step-father went and got her as soon as you heard of her?

A Yes sir.

Q And then she stayed there continuously? A He went and got two of them.

Q I am not talking about two of them? A Yes sir, she stayed with us until she went to her father's.

Q How long did she stay with her father, George Landrum? A I don't know, she lived around there quite awhile.

Q Then where did she go? A Out west.

Q To whose place? A I don't know, out there to some of her kin folks I think, she went to Minerva, her sister's.

Q About how long was that after 1866 before she went out there? That , am trying to get at, how long did she stay in your neighborhood before she went west? A 3 or 4 years, maybe longer.

Q Continuously? A Yes sir.

Q Did you know Jack Landrum or John Landrum's wife, Mary? A Mary Elliott.

Q Yes? A Yes sir, slightly.

Q What relation was she to Charity Alberty, formerly Charity Landrum?

A I don't know anything about her relationship.

Q What relation was she to Mary's husband, John? A Sister as far as I know about it.

Q I exhibit to you an affidavit of Mary Landrum attached to the motion to reopen this case made before I. P. Hodges on the [illegible] day of September, 1888, in which she states that "I came back to the Cherokee Nation in 1866 and I knew that Charity Landrum, afterwards the Alberty's wife, came back to in 1866." Do you hold to that statement, are you prepared to dispute that statement? A Who is statement is that.

Q Mary Landrum, John Landrum's wife, do you say that statement is true or not? A I don't know nothing about her part of it.
Q Do you dispute or affirm it? A I don't know a thing about it.
Q You know this woman came from Kansas, Mary Landrum and John Landrum? A I think so.
Q Do you dispute they brought this woman from Kansas? A Yes sir, I do, I know they didn't bring her.
Q You swear that this statement isnot true? A I don't know nothing about that, I know my step-father went over there and got her.
Q Don't you know she went to Kansas? A Lets see, I don't know whether she did or not.
Q Haven't you just swore she didn't? A I don't think she did, she may have gone.
Q Then she may not have stayed there as long as you thought and went on up to Kansas? A I don't know what she done from my part of the country.
Q These witnesses are testifying about 1866 was that she went to Kansas, she went on up there that fall? A She didn't go, she stayed with us there.
Q I will ask you now to look at this affidavit made by John Landrum, her brother, in which he states, it being made on the 22nd day of December, 1905, before I. P. Bledsoe, Notary Public: "I had a sister Charity Landrum who belonged to some Cherokees who went south during the war to the Choctaw Nation and returned in '65 or '66, and my sister Charity came on back with them and came on up in Kansas with Lewis Rowe to where I was and came on back to the Cherokee Nation with us in the fall of 1866". Now this is taken from the affidavit of her brother John Landrum and I will ask you to state whether you can now, under oath, deny that statement? Then she might have been in 1865, she was up to your place and went on up in the State of Kansas? A No sir, she lived around there with us all that winter, that was long, I don't know how long she did live with us, if she went up in Kansas it wasn't then.
Q Did you know Lewis Rowe? A Yes sir, I know Lewis Rowe.
Q Is this the same Lewis Rowe you have been testifying about?
A Yes sir.
Q Are you prepared to state he didn't bring her back from the State of Kansas with him? A I don't know a thing about his doings.
Q Now your statements and his both cannot be true for the reason that you say these people lived continuously around your settlement for 4 or 5 years, and still he swears that he brought her from the State of Kansas, and that Lewis Rowe took her up there?
A I don't know, he may.
Q He may have done that? A I don't remember about that. There is lots of things went on then that have done slipped my remembrance, I have just forgotten all about it, somebody can tell me about them and make me remember. You such things as that, so many people up and down the road, the old man went up and down the road many times.
Q Then she might have gone on up in Kansas? A Yes sir, it might be.
Q Then you might be mistaken about her living around this country?
A She lived around first one place and then another for several years.
Q Don't you know that that cannot be true if she went to Kansas?
A She might have went to Kansas, I couldn't dispute that. It couldn't have been in '66.
Q Was it 1866? A It couldn't have been that.
Q John Landrum and his wife may attempted to testify in these affidavits that they brought her back when they came? A I don't know a thing about that.

Q You have tried to testify here she stayed around your neighborhood for 5 or 6 years? A She did for I don't know how long. She had a child born up there and I named him Tom, and he was a great big boy when he died.

Q What was his name? A Tom Foreman, Richard Foreman's son. And one born named Redmond older than Tom.

Q Who was her first husband? A She had a fellow named Jack Buffington that she got Redmond by, at least she lived with him, and Foreman he got this other boy.

Q That the Richard Foreman that lives in Parsons? A No sir, he is dead now.

Q Jack Buffington live in Parsons? A Yes sir.

Q ~~Is that the man that is the father of the child? A Father of one~~ of them and they died.

Q Where was the Buffington child born? A Well sir now that is another question, I don't know whether it was born down there at Landrum's or where it was born.

Q How long after the war? A Quite a while after the war.

Q Ten years? A Maybe so, maybe not quite so long.

Q You don't have any idea what year it was born? A No sir.

Q Don't know the year the Foreman child was born? A No sir, I don't know nothing about it, I know they were born.

Q Which was born first, Buffington or Foreman? A Buffington.

Q Both older than these applicants? A Yes sir.

Q You don't know where the Foreman child was born? A Down on the River at her father's somewheres, down there, she lived down there, about 4 or 5 miles from where I lived.

Q You are in the habit of making affidavits in all these freedmen cases aren't you? A No sir.

Q Have you been making any for Starr & Patton? A Yes sir.

Q Have you ever refused to make one in any one of them that they asked you to? A Not if I know the person.

Q Have you known every one they asked you about? A Yes sir, every one I said I know, I knew.

Q Every one they asked you to make an affidavit in you knew them?

A Yes sir, all I was right around and raised among I knew them.

Q Did you make an affidavit on the 23rd of July, 1906, in the Jim Landrum case? A Yes sir.

Q Did you testify that Jim Landrum lived continuously in the Cherokee Nation? A No sir, not continuously, lived off and on up there around my neighborhood. He lived in our yard where we all lived there.

Q When did you first see him after the war, Jim Landrum? A Along in the fall.

Q Of 1866? A No sir, I don't think it was '66.

Q Fall of 1866, '7 or '8? A Fall of '66 I think.

Q Don't you know when you first saw him after the war? A Yes sir, in the fall of '66.

Q Is that what you swore in that affidavit? A I guess so.

Q Are you in the habit of swearing anything, signing your name to these affidavits without reading it regardless of the truth?

A Yes sir, that is the truth.

Q Where did you see him? A Right on the [illegible] place where we lived.

Q Is that the first time you saw Jim Landrum after the war? A Yes sir, I think it was the first time.

Q I will ask you if you didn't make an affidavit before J. W. Thacker in the Jim Landrum case on the 23rd day of July, 1906, in which you stated: "When we got back in the spring of '66, Jim Landrum and wife were living on the Jack Buffington place with Mike Hodgers brood sow and two children. It was about the first of April, I was where I came back from Fort Gibson in the Jack Buffington place and found Jim Landrum and wife, living there." Did you say that?

Q He lived in the yard on the Bob Daniels place with us.
Q Didn't you swear less than a minute ago that you never saw him until the fall of 1866? A If I did I made a mistake, but that is right, what is there is right.
Q I will ask you if you didn't swear a minute ago the first time you saw him was on the Bob Daniels place? A That is where I remember of seeing him.
Q I will ask you if you didn't swear in this affidavit that the first time you saw him was on the Jess Cochran place? A Across the River, yes sir.
Q Did you swear that? A I guess I did.
Q Then you just swear to any kind of affidavit they make up for you to sign? A No sir, I swear to the best of my understanding, and to the best of my recollection. That has been so far back it takes a Wonder to keep all that in his head.
Q Have you made and affidavit in the consolidated cases of Moses Riley, et al., with reference to the date of the return of Samuel Riley on the 25th day of May, 1906, before a Notary Public? Did you make an affidavit in the Moses Riley case on the 25th day of May, 1906? A Where did I make it at?
Q Well this purports to have been made before Jessie Patten, a Notary Public? A What date was it.
Q On the 25th day of May, this year? A I don't remember it.
Q Did you know Mose Riley's father? A Yes sir.
Q What was his name? A Riley McNair is all I know.
Q You never knew him by any other name? A That is the reason I didn't know that Samuel Riley.
Q Did you ever know him anywhere except in the Cherokee Nation?
A No sir.
Q And you don't remember of ever having made any affidavit in this case at all? A I might have made it but I don't remember.
Q Did you testify that you saw him after the war? A Yes sir, I seen him.
Q How many years after the war? A Why I saw him up until the time he died.
Q Well how many years after the war before you saw him? A I don't know, I reckon all along.
Q 3 or 4 years after the war? A Longer than that, 20 years I reckon.
Q The first time you saw him after the war? A The first time I saw him after the war was right away after the war, right along when I come down with them folks, with my Uncle, along in the fall I believe.
Q How many years after the war? A Right away after the war.
Q Two or three years after the war A No sir, it was right away close. When they all come.
Q Why don't you swear when it was if you are going to testify about it? A They come down along in the fall or spring, I don't know which. That old man and my Uncle made a crop down there.
Q What is your Uncle's name? A Thomas A. Moore.
Q Is he alive or dead? A No sir, been dead a long time.
Q I will ask you if you testified and signed an affidavit in which you stated, on the 25th day of May, 1906: "I was acquainted with Samuel Riley at the close of the Civil War and I know he left Harvest, Anderson County, Kansas for the Indian Territory with his family and his effects, etc." Did you state that? A No sir.
Q You didn't know him near Harvest, Kansas? A No sir.
Q Do you deny at sing an affidavit to that effect? A Where did I sign it.
Q Did you sign one? A If I signed it, I don't remember it.

Q Well was it true,--did you know that he left Garnett, Kansas, at any time? A I don't know a thing about that.
Q Well if you signed a statement to that effect, it was true, isn't it? A No sir.
Q Well did you see Riley McNair, also known as Samuel Riley after the war with his family? A Yes sir, I seen his family several times.
Q How long after the war was it when you first saw either Riley McNair or his family? A The first time I saw him he didn't have his family with him at all.
Q How long was that after the war? A Right away after the war when they all come down.
Q How long after the war was it? A Right away after the war.
Q What year was it? A It was along,-----
Q Now the truth is you aren't very positive, are you? A He lived on the Dr. Thompson place, he come there with my Uncle, they come there.
Q Did he make a crop on the Dr. Thompson place? A My Uncle made a crop there.
Q Did Riley McNair make a crop there? A I think he did, I am not certain about it.
Q Is that your best recollection? A Yes sir, but I am not positive.
Q You are not positive as to the year? A He come when they all come down there.
Q You know you are not going to dodge me in any such way as that. I asked you if you are positive as to the year he come? A Well as near as I can remember it must have been along in '67, somewhere along there.
Q How did you make an affidavit in the case of Jennie Martin with reference to the return of Nelson Martin, on the 25th day of May, 1906? A Jennie Martin?
Q I said in that case with reference to the return of Nelson Martin?
A I don't know, I never made no affidavit as I know of.

ON BEHALF OF THE COMMISSIONER:
Q Did you ever make an affidavit as in the Harvey Martin case?
A No sir.

BY MR. HASTINGS:
Q You never made one with reference to the return of Nelson Martin?
A No sir, not as I remember of.
Q Did you ever make an affidavit in the Sam Landrum or William Todd case with reference to the return of Bonny Dan Landrum? A I believe so, something about Dan Landrum, I don't remember now whether I did or not.
Q You don't remember? A I don't remember I may made it but I don't remember it.
Q Did you know Bonny Dan Landrum? A Yes sir.
Q What year did he come back to the Cherokee nation after the war? A He come back in them dark ages, somewhere down in there. Well as near as I remember he come along some like it was in the winter of '66, fall or winter one, I don't know which one.
Q You are not right positive, are you? A No sir.
Q And you won't trust your memory exactly as to the time? A I don't know exactly when he come, he trapped around in there.
Q You sign these affidavits miscellaneously don't you, just at random. Didn't you sign this affidavit here, made on the 26th day of May, 1906, in which you state in the Sam Landrum case that you knew Bonny Dan Landrum in his life time and "I know he came to the Cherokee nation, Indian Territory, in the year 1866, which
A I don't remember that part of it.

Cross-Examination

Q You never swore that? A No sir.
Q If it is, you never swore it? A No sir.
Q You never then knew Charity Alberty formerly Landrum before the war at all? A No sir, I didn't.

BY MR. WILDSON:
Q How did you know that she was a slave, you stated in your former statements that she was a slave? A By my father, he went and got her from her slave owners.
Q It was commonly known that she was a slave? A Yes sir, I belonged to the same family of Landrums and they all knew one another as slaves.

Q How do you know it was in the year 1866 you saw her back here; that your father went and got her, what fixes it in your memory?
A The year of '66?
Q Yes? A Why everybody that got inside of that limitation were called '66, and that was the common talk all overthe country; whenever aperson came in we knew they were inside the limitations.

Q Do you know what year the war closed? A Yes sir.
Q What year? A '63.
Q '63,--how long was it after the war closed before you saw Charity in the Cherokee Nation, your best judgment? A We came down here in '65, wellthat was two years I guess after the war.
Q Was it the next year after you came down here you saw her? A The next year after we came down here, after '65, in '66.
Q Your Uncle went and got her? A Yes sir, went and get both of these children, one of them couldn't talk English.
Q What two children did he go and get? A Sophia Landrum and Charity Landrum.
Q Who did you say was there father and mother? A George Landrum and Peggie.
Q And you know that Charity Landrum died in the Cherokee Nation?
A Yes sir, she died up there on Big Creek.
Q How did Charity ever go to Kansas, if she did could she have stayed there any length of time without you knowing it?

Mr. Hastings: Objected to as being argumentative.

On Behalf of the Commissioner: The objection will be noted.

Q Charity might have gone to Kansas and stayed a little while?
A Yes sir.

Mr. Hastings: Objected to as being leading and argumentative.

On Behalf of the Commissioner: The objection will be noted.

Q That has always been Charity's home?

Mr. Hastings: Objected to because that is a question of law now being investigated.

On Behalf of the Commissioner: The objection will be noted.

A She lived around here in the Cherokee Nation.
Q Never made her home of your own knowledge anywhere else? A No sir.

BY. MR. HASTINGS:

Q Now you stated you come back two years after the war and Charity come back the year after you come? A I didn't say a year after I come. I come in '65 and she come in the fall of '66.

Q How many years after the war was it, you said you come two years after the war and she come the year after you did? A Well if the war ceased in '63.

Q Now without any reference to whether it ceased in 1863, '93 or '83, I am asking you how long after the war before you returned and then how long after that before Charity came back? A I returned in '65.

Q You know you are not going to beat about the bush that way, I never asked you what year you returned, I am asking you how long after the war was it until you returned, that you must answer?

A That would be about 4 years.

Q You reuturned about 4 years, did you? A As near as I can guess at it.

Q Where were you during the war? A I was in Kansas.

Q How long did you remain there after the close of the war before you came back to the Cherokee Nation? A We stayed in Kansas 5 years.

Q Five years in Kansas after the war? A Yes sir.

Q Then the next year after that is when you saw Charity here?

A In the year of '66, yes sir.

Q I am not asking you '66, I am asking you how long after you came back before you saw Charity? A It was the next year after I came back.

Q Then it was 6 years after the war before you saw Charity? A I ain't no educated fellow, I can't tell much about figures; that is the reason I am trying to count on my fingers.

Q I am asking you with reference to years, about how many years after the war before you firnt saw Charity? A About 6 years after the war.

Q Isn't is your best judgment? A Yes sir, if I ant mistaken.

Q You say her up there and that is the time you have been testifying about? A Yes sir.

BY MR. WILKSON:

Q Do you come back to the Cherokee Nation within the limits of the Treaty? A Yes sir.

Mr. Hastings: Objected to as being leading.

Mr Bennett of the Commissioner: The objection will be noted.

Q It was the next year after you came back before you saw Charity?

A Yes sir.

W I T N E S S E X C U S E D .

[illegible], being first duly sworn by F. F. [illegible], a citizen Delaware, testified as follows:

BY MR. [illegible]:

Q What is your name? A Solomon Moore.

Q How old are you? A 41.

Q You are a Cherokee Freedman? A Yes sir.

Q On the roll straight? A Yes sir.

Q Where do you live? A Up in Delaware District near Bartlesville.

Q How long have you lived there? A All my life pretty near, lived there about 38 or 40 years, somewhere along there on the place where I am living now.

Q Did you know George Lowery? A Yes sir.

Q Peggie Landrum? A Yes sir.
Q Did you know any of their children? A Yes sir.
Q Name them? A Why there was Charity, and Sam Landrum, Dan--
Q Any others that you can recollect of? A There wasone named, Trunk, he was the eldest one.
Q Was there one name Jack? A Yes sir, Jack and Jim.
Q Do you know whether Charity was a slave or not? A Yes sir.
Q Who did she belong to? A Daiel Landrum.
Q A Cherokee citizen? A Yes sir.
Q Was she a slave when the war broke out? A Yes sir, I think she was.
Q Do you know whether she left the Cherokee Nation during the war or not? A No sir, I don't know anything about it.
Q When was the first time you saw her after the war? A The fall of '66.
Q Where didyou see her then? A Right at home, at my step-father's
Q Where was that? A Up there on the river where we live.
Q In the Cherokee Nation? A Yes sir.
Q Near Ketchum? A Yes sir, on the east side of the River.
Q How long did she remain there in the neighborhood? A She stayed there with us al that winter and the next year she went to her father's.
Q Where did her father live? A Down on Lynch Prairie.
Q That in the Cherokee Nation? A Yes sir.
Q How long did she remain there, or do you know? A I don't know just how long she did stay there, quite awhile.
Q When did you next see herafter she left your neighborhood? A I seen her off and on all the time after she left there. She came to Vinita and went west.
Q Do you know who she married? A A fellow named,--we always called him Sheep Jim Alberty.
Q Did you see her between the time of her leaving there and the time of her marrying Jim? A No sir, I never saw her until after she married Jim and came to Vinita.
Q About what time did she come to Vinita? A That was along in about '75 or '76 as well as I remember.
Q Did you see her pretty often from that time on? A No sir, not very often, she lived away out west.
Q Out west where? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Do you have any idea about what time she died? A I don't know, along about, I don't just remember but it was along between '79 and '80, somewhere along there.
Q Do you know where she was buried? A No sir, I don't, she died out west.
Q Do you know whether she had any children by that marriage or not? A Yes sir, I seen these two children when they were small, but I haven't never seen them since they were small. They were little fellows when I seen them.

BY MR. RAGSDEN:
Q Where did you live before the war? A I lived up on the hill road east of the Rose Ridge place, ad lived right on the Rose Ridge place at the breaking out of the war.
Q Delaware District? A Yes sir.
Q Where did Daniel Landrum's live? A Stayed with Dave Landrum on this side of the River, I never was there.
Q You never saw Charity until after the war? A No sir, I never saw her.

Q You were most to young to remember very much before the war anyhow? A Why I remember a good deal, I remember her mother, Aunt Peggie.

Q You were not but 7 or 8 years old when the war come up? A I was about 8 or 9 years old, I remember her eldest son, one called Frank, he was a fiddler.

Q I want to know if you knew Charity Landrum? A Yes sir, I knew her

Q But you never knew her before the war? A I don't remember now.

Q You don't know then of your own personal knowledge now that she was a slave of the Landrums before the war, all you know is what you have heard? A I can't answer you there, I don't believe.

Q You don't remember, you are not certain? A No sir, I don't want to make no mistake.

Q Now in 1866 you were not but 13 years old were you? A Somewheres I don't remember just exactly about that, 13 or 14.

Q You give your age now as 53? A I got my age from my master after I came back here. I get my age in '66 from my master, after we got back here.

Q What direction did Charity go during the war? A I don't know.

Q North or auth? A South I reckon.

Q Did you hear of her being brought back? A I heard of her being brought back from the south.

Q Are you any relation to her? A Yes sir, she is my cousin.

Q How long after she was brought back before you saw her? A I saw her after she was brought back, my step-father went after her.

Q Was it in a few days after she came back? A Yes sir.

Q Where was she brought to? A She was taken down on Cabin Creek. And my step-father, Lewis Rowe, went over there and seen them and come back home and told my mother about it and she told him to go and get them and he did.

Q Isn't it rather remarkable that you and Tom upon the stand pretty near tell the exact language used in a conversation that happened 40 years ago,---did they stay right around there in that neighborhood? A She stayed awhile, her father came and got her and she stayed down there.

Q How long? A Stayed around there until she went out west.

Q I am trying to get you to estimate how long she stayed? A I don't know how long.

Q 3 or 4 or 5 years? A She stayed around there probably three years.

Q Right in that neighborhood? A Yes sir, Stayed with her father.

Q Continuously all this time? A Stayed with her father when she was there.

Q I said did she stay there continuously all this time? A Well what time she stayed there she stayed there.

Q Of course, but that time you are sitting in this room you are gone,---now I want to know if she stayed around there continuously all the time until she left? A Yes sir, she stayed around there until she left.

Q For two or three years? A She stayed around there awhile.

Q Did she stay around there until she went out west, all the time? A Yes sir, I think she did.

Q Do you know John Landrum or Jack Landrum, her brother? A Yes sir.

Q He has filed an affidavit in this case taken before I. P. Hickman on the [illegible] day of December, 1905, in which he states, "I had a sister Charity Landrum who belonged to the same Cherokee and went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in '65 or '66, and my sister Charity came back with them and came on my land [illegible] Nation by the name I was, and stayed back to the Nation with us in the fall of '66, she." In that statement of her brothers it will be suggested of a nation to [illegible] in this case, who or what? A She came from the Choctaw Nation with her sister Angelia and mother Landrum.

Q Did she go on to Kansas as John Landrum states in this affidavit?
A I think she did.
Q Why is it you just now swore she lived right there in that neighborhood all the time for two or three years and when she left she went out west, out there? A I don't know just whether she did or not, I couldn't say where she went.
Q Do you think that same fall she did go up there? A No sir, she stayed with us in the fall of '66.
Q Then if her brother swears that, it is not true is it? A I don't know nothing about that.
Q Well they both cannot be true, she either went or she didn't go?
A I don't know about that.
Q If Mary Landrum, his wife, swears practically the same thing, is that true or not? A I don't know about that Mr. Hastings. All I know, step-father went over on Big Cabin and got her and she stayed with us that winter and in the spring and summer of '67, and then her father come and got her and she stayed down there.
Q You have never made any original affidavits in this case, have you? A No sir, not for Charity.
Q Did Charity have some children? A Yes sir.
Q What was her oldest child's name? A Fred.
Q Fred whatK A I don't know, he was an out child.
Q By who? A Jack Buffington supposed to be.
Q Where does he live? A In Parsons.
Q Where did he live then? A In that neighborhood.
Q When was that child born? A I don't remember, long in,---as well as I remember it was along in '68 or '69.
Q You don't remember exactly the year? A No sir, I don't.
Q You just cannot be positive about the year it was born? A No sir, but she had the boy, I am positive of that.
Q Did she have another one? A Yes sir.
Q What was its name? A Tom.
Q When wasit born? A Right smart li tle little while after that. But I can't remember exactly when it was, he was another out child and I never paid any attention to it.
Q What year did Charity die? A I don't know when she died.
Q Why? A Because she lived 30 or 40 miles from me.
Q You don't know the year of her death nor do you know the year her first two children were born? A No sir.
Q You know 1866? A Yes sir, I know '66.
Q You were a slave before the war? A Yes sir.
Q You have been making some affidavits in other cases recently?
A Yes sir, I made some.
Q Did you ever make an affidavit in the Rose Riley case with reference to the date of the return of his father, Samuel Riley, or Riley McNair? A I made an affidavit, yes sir.
Q In that case? A I think I did.
Q Before whom? A Gale Starr.
Q Did he have a Notary? A He didn't have one at the time.
Q Did you swear to it before the Notary? A Yes sir, I swore to my statement.
Q Before that Notary? A I don't know what his name was now I thought we were trying this case.
Q I am asking you about one more? A I don't have to answer them.

On Behalf of the Commissioner: Yes, you will have to answer them, you are sworn to tell the truth, the whole truth and nothing but the truth.

Q Did you swear to it before a Notary? A Yes sir.
Q Do you remember the Notary's name? A No sir.

Q Do you remember when you made the affidavit in the Mose Riley case,---well was it made before an old man or young man, or do you know? A It was a young fellow but I just couldn't answer that.

Q Was it made before a man or woman? A I made one affidavit before a woman.

Q In that case? A I don't know which case it was, there was so many of them.

Q What woman? A I don't know her name.

Q You have made so many you don't remember? A No sir, I don't.

Q You have been in the habit in the last six months of making an affidavit about every one that was asked of you? A No sir.

Q When did you swear in that affidavit that Mose Riley's father and his family returned to the Cherokee Nation? A I don't remember the day now.

Q You wouldn't then be willing to testify positively as to the date of their return? A I aint testifying as to Mose Riley's return, it is his father's return.

Q I say, you would not be willing to testify positive as to when his father returned? A Yes sir, I seen him when he come.

Q Didn't you say awhile ago to a question above that you were not positive? A I didn't know what question you put to me.

Q Well are you positive as to the date of his father's return?

A Yes sir, to the best of my recollection I am.

Q That is not the question I asked you, are you positive as to the date of his father's return? A Yes sir, I am positive.

Q When? A It was along in '66, along in the fall.

Q To what place did he come? A Come over there to the old Bob Daniels place, on the road.

Q Have his family with him? A No sir, just himself.

Q On his way back? A Yes sir, on his way back here.

Q About what time in the fall was that? A Why it was along the first part of the fall to the best of my memory.

Q Where did he come to then? A He come on down here to McNair's, they said, I don't know where he come to, down on Spring Creek.

Q How long was it before you ever saw his family? A It was a good bit.

Q Two or three years? A No sir, he made a crop, then went back and got his family.

Q Made a crop the next year? A Yes sir.

Q In '67? A Yes sir, '67, then went back and got his family.

Q Did you make an affidavit in the Sam Landrum case and William Todd case? A Yes sir.

Q Where did you make that one? A Vinita.

Q Before whom? A Cale Starr made it out.

Q What Notary swore you? A I went before the Commissioner to the best of my recollection.

Q Where did you swear that Nancy Dan came to, who is the father of Dan Landrum? A To the Leola Hall place.

Q Did you put that in the affidavit? A Yes sir.

Q What year did you say you saw him? A Well that was in the fall after he came back, in the fall of '66.

Q How long after that before you saw his family? A Why it was when I saw his family, that was in '67.

Q I will ask you if you didn't sign an affidavit in that case in which you stated, "I know he came to the Cherokee Nation, Indian Territory, with his family and offered and permanently located thereon in the fall of the year 1866" A I don't know, that might have been put in there, but he came here himself, I know he was here and his family came afterwards.

Q Did you swear that? A I reckon if I swore it I must have sworn to it.

Q Is it true? A Well he came first.
Q You just swore you never saw his family that year? A It was the next year I saw them.
Q Are you in the habit of swearing things so miscellaneously as that? A No sir.
Q Was it true that you saw his fmily and they permanently located in 1866, with his family here? A Henry Ken was the man I am swearing on.
Q I am asking you if you swore his family was here and they permanently located here in 1866, you know whether that was true or not? A The old man is the man I made a statement, I didn't put that in there.
Q Then that is not true that which is in this affidavit, a copy of which you have heard read, made on the 25th day of May, 1906, in the San Landrum case? A It is true that San Landrum's father was here.
Q How about his family? A I don't know about it.
Q And was he at Lewis Keil's? A The old man was the one that I swore about.
Q You didn't see his family in 1866? A No sir, I didn't see his family.
Q Where did you first see him? A The first place I saw him he came down there on the river on the old Dr. Thompson place.
Q Did you just now swear that it was at Lewis Keil's? A Yes sir, there is where he was but I saw him again down there at the Dr. Thompson place.
Q But you had done seen him there at the Keil place? A Yes sir.
Q Working in a blacksmith boy? A He wasn't at work but he was there.
Q Have you made an affidavit in the James Neal Vann case? A Yes sir.
Q Before whom did you make that affidavit and for whom? A Made it for Gale Starr, he wrote it out.
Q When did you first see James Neal Vann after the war? A The first time I saw him was down on Lynch Prairie in Saline District.
Q How long after the war that Keil? A It wasn't so long.
Q Two or three years? A No sir it wasn't no two or three years.
Q Well what year was it? A It was in '66, along in the fall.
Q What time of the year of 1866? A Along about the latter part of the fall.
Q Who did you see him with? A With a lot of other boys around there.
Q You don't know who he came with? A No sir.
Q And you just only know you saw him down there? A Yes sir.
Q And you saw him there in the fall of '66? A Yes sir.
Q Now that is the truth is it? A Yes sir.
Q Now you made an affidavit the first day of August, 1906, before Thomas J. Parker, U. S. Commissioner, a copy of which I hold in my hand and in which you stated as follows: "Sometime in the spring of 1866 the applicant, James N. Vann returned to the Cherokee Nation from Kansas. He's old man Jesse Vann, Gilbert Vann, Lucy Gates, Sallie Vann and Nancy Thompson." Now you state that you never saw his mother hold in the fall and that you saw his dad down in Saline District, and that you don't know who he came with; I will ask you which statement is true, the one you made before Commissioner Parker or the one you are making here before this Commissioner today? A I haven't got any more to say.

Mr Mehaffy of the Commissioner: Answer his questions.

A I haven't anything more to say.

ON BEHALF OF THE COMMISSIONER:
Q Do you know which of your statements are true? A(No response).
Q Do you refuse to answer? A No sir, I don't refuse to answer. I recall my first answer because I spoke before I was thinking what I said. The statement what I signedthere is true. I recall this answer I made today that it was in the fall of '66.

BY MR. HASTINGS:
Q Do you know now who he came back with? A With them folks.
Q Now who were they? A Well it was Tom Eaton's brother.
Q Did he come back in the fall or spring? A Come back in the spring because they come by the old Daiels' place there and stopped and eat dinner.
Q Why didn't you swear that awhile ago? A Because I was just thinking about it. Because I will tell you I don't want to come so far from my home and make any false statements, but of course whenever you smart men get hold of anybody and they speak things before they think.
Q Did you make an affidavit in the Jennie or Harley Martin case?
A I made one for Uncle Nels Martin case.
Q A to when Nels Martin returned? A Yes sir.
Q Before whom was that made? A I don't remember now Mr. Hastings.
Q How come you to make al these affidavits here in the last six months. At whose suggestion have they been made? A Why the applicants ask me what I know about their folks.
Q Where did Nels Martin return to after the war? A Come down on Lynch Prairie.
Q To what old place? A I don't know just exactly what place he come to, just when he got in there but the first time I seen him was at that old Spring Creek School House one Sunday to Church.
Q About how old were you when you saw him? A About 14 or 15 or 13.
Q Might have been as much as 15 or 16? A No sir, I wasn't that old
Q Were you as old as 14? A I was 13, it was in the fall of '66.
Q All of this happened in the fall of '66? A Yes sir, we went down there to meeting one time.
Q Did you see his family? A No sir, I didn't see his family.
Q How long after that before you saw his family? A Oh, I seen him, it was quite awhile before I seen his family.
Q Well about how long? A I reckon it was two or three months, or 3 or 4 months.
Q Did you see his family that year? A Yes sir.
Q Where? A Down there in that country.
Q On what place? A I forget the name of the place down there.
Q Don't recollect it now do you? A It seems like it was a place George Clark used to own but I forget the name of it.
Q Did he have any children at that time? A Yes sir, he had some children.
Q Was it them before or after Christmas that you saw the family?
A It was along before Christmas.
Q You don't know a thing about it, it is all guess work with you, ain't it? A I get my memory bothered sometimes, I several told that.
Q Did you make an affidavit in the Gertie Martin case? A I made an affidavit that I seen her mother when her mother come.
Q What was her mother's name? A Her name was. I will tell you directly, I never saw her but a few times. That is when she came up to her father's.
Q Was that the first time you saw her? A No sir, I seen her down to Gibson when they were down there in the fall of '66. We went down there in the winter or fall like of '66 and we stayed down there all that winter and in the spring of '66 and I saw her.

Q You never saw her from the spring of 1866 until she went up to her father's? A No sir, that was in '70.
Q Do you know what her mother's name was? A Her mother went by two names.
Q What name did you swear she went by in that affidavit? A Rose as well as I remember.
Q That was the mother of Gertie? A No, that was Gertie's grandmother.
Q What was Gertie's mother's name? A Phyllis.
Q Phyllis what? A I don't know what her other name was.
Q Did you ever make an affidavit in the Elias Downing case? A Yes sir, I think I did.
Q How is it you never testified as astanding witness in any of these freedmen cases until within the last six months? A None of them never asked me to.
Q Were you living right in the community with them? A Yes sir.
Q When did you first see Elias Downing after the war? A The first ti e I seen him he come up there in the summer of '66. We were living on the old Bob Daiels place.
Q He come to the old Bob Daniels place? A Yes sir, come in that neighborhood, his father lived right there on the hill and it was in the fall. The latter part of the summer or fall Elias come because his father lived on the Bob Daniels place that spring and he bought another little place down on the river and Elias went down there.
Q How long did he stay there? A He stayed there until he got scared and run off and went back to Texas.
Q How long was that? A It was a good long while, stayed there until in '67 I think it was.
Q What time in 1867? A To the best of my recollect;on it seems to me it was in the fall of '67 Mr. Hastings, I think now. That was the time he run off and went to Texas, got into a little whiskey scrape.
Q How long was he gone to Texas? A Three or four or five years, I don't know how longhe was gone. He was gone quite a bit and when he come back he had a family.
Q What year did the war close? A Closed in about '63 I reckon.
Q Now how many years after the war before you saw Charity? A '65 or '66.
Q I never asked you what year, of course you would say '66, I am asking you how many years after the war closed? A It was a little over two years, being in '66, lets see.
Q I am not asking you if it was '66 . You think now,---answer the number of years it was? A Why it was two years and a little over, 8 or 9 months, maybe 10.
Q After the war? A Yes sir, it was in '66.
Q Now lets return to the Sam Landrum case, you made an affidavit before the Clerk in that case, didn't you, Clerk Davidson or his brother, E. B. Davidson? A No sir, I didn't go before him.
Q You know Clerk Davidson's brother? E. B. Davidson? A I have seen him.
Q You never went beforehim? A Yes sir, I went before a Clerk.
Q Did you make an affidavit in the Sam Landrum case before E. B. Davidson, Deputy Clerk, at Tinsie? A The affidavit was made out and jerst took me in there and he swore me.
Q You testified awhile ago that you saw Henry Sam Landrum at the Hall place first didn't you? A That is what I stated, but you have got me bother up.
Q You cannot tell about these cases unless you are refreshed just before you come to in each individual case, can you? A I don't understand what you are trying to do Mr. Hastings.

Q I am asking you now, when you said awhile ago when you first saw Boney Dan Landrum and where after the war? A Well I cannot answer that.
Q When did you see Boney Dan's family afterthe war, can you answer that? A No sir, I can't answer that.

BY MR. BEDSOE:
Q Now Nelson when did you first see Charity Landrum after the war?
A Why it was in '66, right at home.
Q When did you come back to this country? A In the fall of '65.
Q Now why do you know that it was in '66? A Because it was the next year after we come from Kansas.
Q Did you have to get here within a certain time? A That is what they said.
Q You are satisfied that Charity came here within that time?

Mr. Hastings: Objected to because he is only asking for an opinion.

On Behalf of the Commissioner: The objection will be noted.

A I know she come here.
Q Within the limits of the Treaty? A Yes sir, come right there and lived with us until spring, I know that.
Q And what is your best knowledge in regard to where she stayed and made her home afterwards? A She just made her home in the Cherokee nation all her life.
Q Live and die here? A Lived and died here and buried here.

BY MR. HASTINGS:
Q How do you know she was buried here? A They said she was.
Q You never saw it? A No sir, that is what they said.
Q You are willing to testify anything what they said, didn't you testify awhile ago she might have gone to Kansas? A She didn't stay longin Kansas if she went.
Q Didn't you testify she went up there? A I said she might have gone up there.
Q Then if John Landrum swears he brought her back, is that true?
A I don't know nothing about that.

BY MR. WINNOCK:
Q When these people came back after the war there was nothing here to subsist on? A No sir.
Q They had to go some place to get something to live on? A Yes sir.
Q She might have been gone to Kansas and stayed a little while and then come bac ' A If she went she stayed a mighty little while.
Q How do you get the impression that she was,--that her parents were the slaves of Cherokee citizens in the Cherokee Nation?

Mr. Hastings: Objected to as being irrelevant and immaterial, the question is as to Charity Landrum, the mother of these applicants.

On Behalf of the Commissioner: The objection will be noted.

Q How did you all get information that a person was a slave?

Mr. Hastings: Objected to as being irrelevant for the reason that this witnesstestified already under oath that he didn't know Charity Landrum, the mother of these applicants before the war and had never seen her until after the war.
On Behalf of the Commissioner: The objection will be noted.

Q You knew Charity's father and mother? A Yes sir.
Q You knew them to be slaves? A Yes sir, they belonged to, Dave Landrum,--Uncle George used to drive his teams.
Q How did you know Charity to be their child? A Because I heard her call them mother and father.
Q All lived in the same family? A Yes sir.

BY MR. HASTINGS:
Q That was after the war? A Yes sir.

W I T N E S S E X C U S E D.

HANNAH THOMAS, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

BY MR. BURDGON:
Q What is your name? A Hannah Thomas.
Q How old are you? A I guess I am 54 years old.
Q Where do you live? A I live on the Dirty.
Q What is your postoffice? A Keoften.
Q Cherokee Nation? A Yes sir.
Q Did you know Charity Landrum? A Yes sir, she was my sister.
Q Who did she afterwards marry? A She married a man by the name of Jim Alberty.
Q Do you know where she was living when she died? A No sir, I don't know just exactly where she was living, I never was to her house after she married him.
Q Were you a slave? A Yes sir.
Q Of a Cherokee citizen? A Yes sir.
Q To whom did you belong? A Aaron Landrum.
Q Who was the woman? A Easter Landrum.
Q Did Charity belong to the same man and woman? A Yes sir.
Q Did Charity go out of the Nation during the war? A During the war we all got separated, sister Charity went south and we went north.
Q When did you first see Charity after the war? A It was right away after the war. When peace was declared she went to Kansas where I was, me and my grand-mother. My father when he came from Kansas he left some of us up there, couldn't bring us all and then he went back after us Sister Charity went back up there on the wagons to see my grand mother.
Q When was that? A That was in '66 I guess.
Q How long did Charity stay up there that time in Kansas? A She never stayed there long.
Q About how long? A Two or three weeks.
Q Where did she go then? A Came back to the Nation.
Q Did she stay here in the Cherokee Nation then after that time? A Yes sir.
Q Where lived in the Cherokee Nation? A When I left she was at home.
Q Where was that? A On Grand River.
Q Near what place? A On Lynch Prairie.
Q Did you see Charity any more after that? A I haven't seen her since I left home, I haven't seen her since she married Jim Alberty.
Q Did you see her off some before that? A Oh the time we parted at home together.
Q Where was that? A My father George Landrum.
Q And he lived here in the Cherokee Nation? A Yes sir.
Q And what was his name? A George Landrum.
Q What was your mother's name? A Peggie.

BY MR. HASTINGS:

Q Aunty, what year is this? A Well this is 1906 so I am told, I looked when I went home and looked at the Almanac and seen it was 1906.

Q The other day after you were a witness here? A I was bothered and I didn't know whether it was 1906 or 1902. I says to my daughter I was far off of it wasn't I.

Q What year was the Kern-Clifton payment made, when that big roll was made? A What was that called, the '80 roll.

Q I am not giving you the year, but what year was that made? A I don't know.

Q Well this last roll when all the freedmen got that big payment, what year was that. Do you know one year from another? A I just disremember what year that was, that Kern-Clifton,---

Q What year were you born? A I don't know.

Q How old were you when the war came up? A My father said I was 8 years old.

Q What year did the war close? A I don't know what year it was. I know they fit three years, I think it was. The war went on three years.

Q What year were you married? A I was married in '74. Yes sir, I can remember that.

Q Is that the only date you remember? A I kept a record of that. Well now there is some things I can pretty well recollect and there are lots of things I can't, because I never kept them in my mind.

Q You say you and your Sister Charity separated furing the war?

A Yes sir.

Q And you saw her in Kansas after the war? A Yes sir.

Q And you left her up there and come down here? A No sir, she came back before I did.

Q With Jack, or your brother John? A I don't just remember whether it was brother Jack, she was living with a man named Jack Buffington and I think that was the man she came back with.

Q She was living up there with Jack Buffington? A She wasn't living up there, just went on after the rest of my father's things. After I came back home from Kansas, after my father sent for my sister Charity was at my father's house.

Q How long did she stay there before she went up in Kansas? A When she came from the south she came and found her father, my father, there, George Lenorm.

Q Where were you then? A I was left in Kansas. My fa her couldn't bring us all when he came, he left a load or more and some of his things and left me with my grandmother and said he soon as I can send back after you all I will send after you, and then he sent back after my Sister Charity went on the wagon to Kansas.

Q But you don't know how long she had been here because you hadn't seen her until you [illegible] met her up there in Kansas? A That was the first time.

Q Then you came back with the wagon and left your sister Charity up there with Jack Buffington in Kansas? A Yes sir.

Q Did she return in the wagon? A No sir, she just came back.

Q Did Jack Buffington come back with her? A Jack Buffington came back.

Q Did she continue to remain there then? A She stayed with my father until I left father's.

Q How long was that? A How long that has been?

Q Up until the time you married? A Yes sir.

Q Up until 1874 sometime? A Yes sir.

Q Mrs Hannah John Lenorm makes an affidavit before Mr. Thompson, the Attorney for these applicants, on the 22nd day of November, 1906, in which he states: "I had a sister Charity Lenorm, who

belonged to the same Cherokees and went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in '65 or '66 and my sister came back with them and came on up into Kansas with Lewis Rowe to where I was and came back to the Cherokee Nation with us, etc." Isit true she came back here with your brother John or Jack, who is the same person?

A There was a whole lot of them come. I guesshe was telling you the truth about it. You see there was so many of them came, just come back to the Cherokee Nation by bunches.

Q Then it isn't true she came back in the wagon with you? A Come back in the wagon with me? Did I say she come in the wagon with me? I say she came back after she got up there.

Q But she didn't come back with you? A No sir.

Q You come on ahead of her? A We didn't all come back together. We had to come just as we could come back.

Q Who did you come back with? A I come back with my Sister Sealey.

Q Who did Charity come back with from Kansas? A She come back in the wagons that my father had went up there after the rest of his things.

Q But you didn't come back in that wagon? A No sir, I don't remember of coming back in that same wagon.

Q Do you know Mary Landrum, Jack Landrum's wife? A Yes sir, I know her, my sister-in-law.

Q She testified before Mr. Bledsoe, the Attorney of record in this case in this affidavit on the 22nd of September, 1905, that Charity went to Kansas and came back to the Cherokee Nation with her? She is Jack Landrum's wife? A Yes, as I told you I don't remember all of them that come. You see I was just a child; he had me hired out to the white folks and I don't know exactly who all of them come together.

Q Now what I am trying to get at with whom Charity returned from the State of Kansas? If she returned with John Landrum your brother, and his wife Mary? A I guess she did, if brother Jack says so, because we were not always living together.

Q I want you to answer if you know with whom she came? A I know only that I told you awhile ago, she was with Jack Buffington that was her husband then.

Q Do you know whether John Landrum, your brother and his wife, Mary, brought your sister Charity back here with them from the State of Kansas, when she first came from Kansas after the war? A They come back from Kansas after the war. I wouldn't dispute my brother Jack, if he says they all came, I will tell you as far as I know about it. There was so many of them came at the time.

Q See I am not asking you whether you are going to dispute your brother or not, I am going to ask you what the truth is about it? Is that the truth or not the truth? A It must be.

Q Do you know that it is the truth? A I am telling you as far as I know about it. I told you I don't know how many wagons came because they were all coming as soon as they could come.

Q How many years was it after the war? A It wasn't a year, peace didn't been declared long. It was dangerous times.

Q Now the truth is you didn't know any your kin to another, did you, never had been a slave? A Yes sir, I was a slave and didn't have no education.

Q You couldn't read your write then? A I can't read nor write yet.

Q Did you you moved to in the State of Kansas just before you came back here? A I lived with a white woman named Mary Alexander.

Q Where lived? A Half Breeds Mills.

Q You stay in the house? A Yes sir.

Q Did she have any children? A Yes sir, had two children.

Q How many years? A Charlie and Charlie.

Q Do you know whether they are living or not? A No sir, I don't

Q Whose place did your father live on up there? A I can't remember what the man's name was.
Q Whose place did your brother John or Jack live on? A I don't remember.
Q Did he live in town or out in the country? A He lived out in the country because they were on a farm.
Q Did you know any family up there named Lynn? A No sir.
Q Moore? A No sir.
Q Well the truth now is you are not certain ~~that~~ with whom your Sister Charity returned from Kansas? A I couldn't remember them all.
Q But you think she come back with your brother John? A She come the same time. I don't know.

ON BEHALF OF THE COMMISSIONER:
Q Who is it you say owned Charity? A Aaron Landrum.
Q What was his wife's name? A Easter.
Q Did they own you? A Yes sir.
Q Were they both Cherokees by blood? A They were.
Q Where did they live when the war broke out? A Up here close to, on Verdigris close to Vinita.
Q In the Cherokee Nation? A Yes sir.
Q Charity live there with them? A Yes sir, all lived there together

BY MR. BLEDSOE:
Q Do you know when you returned to the Cherokee Nation, what year it was? A I don't remember what year it was.
Q Did anybody come up thereto warn you all when to come back? A No sir, I don't remember whether they did or not.
Q How long after the war was it that you come back? A Well it was about a year I guess after the war.
Q How did you know that it was 1866? A I heard them say it was '66
Q

BY MR. HASTINGS:
Q You have been hearing that ever since, haven't you? A Have been hearing that ever since I was a little child.
Q What become of Jack Buffington's child by Charity? A It died down on the river.
Q How long after she come back? A I don't remember just how long.
Q You said Charity went to see her grandmother? A I said Charity went to see me and grand-mother.
Q What was her name? A Lucy Muskrat.

Mr. Hastings: The Cherokee Nation requests that the case go over until tomorrow morning at 8:30 A. M. in order that the testimony of a witness subpoened from the State of Kansas may be taken. It is now 4:15 P. M. and our understanding is that the witness is to be here , or perhaps two, but missed the train on yesterday.

On Behalf of the Commissioner: Do you object to a continuance Mr. Bledsoe?
Mr. Bledsoe: No sir.

On Behalf of the Commissioner: By agreement the case will be continued until 8:30 A. M. November 9, 1926.

November 9, 1926.

In pursuance of continuance heretofore had in this case, the hour of 8:30 A. M. having arrived, this case was called for further hearing at which time the following proceedings were had:

C. W. LEARNED, being first duly sworn by B. P. Bennett, a Notary Public, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A C. W. Learned.
Q What is your postoffice? A Neosho Falls, Kansas.
Q How old are you? A About 51.
Q How long has your residence been either at Neosho Falls, Kansas, or in the vicinity thereof? A About all my life.
Q Were you there during and just after the war? A Yes sir.
Q Did you ever have occasion to know a freedman by the name of John or Jack Landrum? A I knew one called Jack.
Q Did you know him there? A Yes sir.
Q Did you know a Jim Landrum? A Yes sir.
Q What relation was he to Jim? A Brothers I expect.
Q Is this same Jack or John Landrum,--did you ever see this Jack or John Landrum down here in the Cherokee Nation? A I seen them when I was down here before.
Q In what case? A When I was down here in the Jim Landrum and Kirkpatrick case.
Q Was he a witness here at that time, John or Jack Landrum? A I suppose he was, I met him on the stairs. Yes, I guess he was on the stand when I came in.
Q That is the John or Jack Landrum about whom I am inquiring, and about whom you are testifying is it? A Yes sir.
Q You talked to him one that day? A Yes sir, I talked to him on the stair here.
Q Did you recognize him? A At first he was a little bit old, I asked him if he was Jack Landrum and he said he was, and I told him who I was and he said he recollected me.
Q Did you know him in Kansas? A Yes sir.
Q When did you know him? A I knew him along in 1860.
Q Did you get acquainted with him during the war? A I recollect along about 1860.
Q Did he have a family? A Yes sir.
Q Did his family live up there? A Yes sir, lived on my Uncle's place.
Q What was your Uncle's name? A William D. Learned.
Q As late as 1860? A Yes sir.
Q Why do you recollect they were living there in 1860? A Because, I had a cousin out to visit me from Illinois and they had a camp meeting thereand he wanted to go down and see the camp meeting and Jim was there and he got into trouble with Jim, had a few words with him, I don't know just how it started, but he asked Jim to come outside, he would settle it with him, and Jim told him he didn't want to go out there and get shot, and I told my cousin to come on and lets go home and not raise a disturbance.
Q Was this Jack there at that time, I mean in the country there?
A Yes sir, he lived there, it was right by his house.
Q And he lived on your Uncle's place? A Yes sir.
Q Do you know whether or not,--did you know Charity Landrum, a sister of John's? A I couldn't answer I know Charity, I knew his children running around here and a girl there but I don't recollect her name.
Q How far did you live from there? A It must have been a half mile

BY MR. ELEDGE:

Q When did you first see Jack there? A I couldn't say positively when I first saw him there. I seen him off and on several times before this because he had been living there.

Q Was he farming there or what was he doing? A Working mostly for my father. You see at the time my father's brother wasn't a married man and he lived with us part of the time and afterwards he got married and my father had the management of my Uncle's 160. Jack worked a good deal for us.

Q Worked by the day or month? A By the day.

Q Do you know whether he was down in the Territory or not during that time? A I couldn't say, he might have down a few,--several times for all I know but his family was there.

Q Did they stay there continuously, Jack's family? A Up until they moved to the Nation. They stayed in the neighborhood, of course they didn't stay there all the time.

Q You don't know then of your own knowledge whether he was down to the Nation or not? A He might have went himself, but didn't move his family down.

Q When did he leave up there and come to the Nation to remain permanently? A I don't know as I could say just when he left there.

Q You didn't see him after '68? A Well it was along in '68, it might have been in '69, and he might have left the latter part of '68, but he was there in '68.

Q Do you recollect of seeing a girl there named Hannah, you stated you didn't recognize any named Charity? A No sir, Jack had a family of his own, there was a girl running around there but I don't know who she was.

Q You don't then know of your own personal knowledge whether Hannah or Charity was there, nybody except his own family? A Why this girl was there but I don't know whether it was this one or not.

Q How old was that girl you saw there at that time? A Well she was a small girl.

Q About how old? A Good size girl though.

Q Your best judgment, was she 12 or 13 years old? A I don't know, I don't believe she was that old.

Q Well about how old? A I don't know, I couldn't guess it, she might have been 5 or 6 years old and might have been older.

Q In fact your recollection in regard to it is very indefinite? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Do you know when Jack or John Landrum left Kansas? A No sir, I couldn't say when he left there with his family.

Q Do you know whether he was married at that time? A Yes sir.

Q Do you remember his wife's name? A Used to call her Mary Ellen, she was a yellow woman, a large woman.

Q Did you know a George Landrum up there? A I had seen him around, the old man around with Jim or Jack but I never had any personal acquaintance with him.

Q When was the last time you remember seeing George Landrum in Kansas? A Well I don't know go I could say, it was when they were all up there.

Q About how long after the war? A Well it must have been along in the neighborhood of 1868 or '69, somewhere along there.

Q Did you know Peggie Landrum? A No sir, I didn't know her, I had heard of her.

WITNESS EXCUSED.

Mr. Hastings: I desire to offer the testimony of John Landrum taken in the case of Andy Rider, Cherokee Freedman R 200, on November 16, 1905, before the Commissioner to the Five Civilized Tribes in rebuttal of the affidavits filed by John Landrum and his wife, and the statements made by witnesses to the effect that Charity Landrum returned with the said John Landrum. This testimony is introduced for the purpose of showing the date that John Landrum claimed that he returned with his family to the Cherokee Nation, which he states was in 1867.

Mr. Bledsoe: I have no objection to that testimony.

On Behalf of the Commissioner: There being no objection to the filing of the testimony mentioned, a copy of the same will be filed with and made a part of the record in this case.

HANNAH THOMAS RECALLED:

BY MR. BLEDSOE:

Q Hannah, do you know a man named Learned, or did you know C. W. Learned, who lived at Neosho Falls, Kansas,--Charlie Learned?

A I don't just remember that name.

Q A man who claims that Jack ~~[illegible]~~ lived with his Uncle,--did you know a family named Learned? A It seems to me I remember a faily named Learned.

Q Do you remember of Jack ever working for a family by that name?

A I don't recollect. What part of the town did he live in?

Q I don't know? A Did he live in Neosho Falls?

Q Yes, lived right in the town. Did you know of Jack living with a man named Learned up there or working for him? A I don't remember the man's name that Jack stayed with.

Q And where his family stayed? A I remember one time my brother Jack lived out in the country from the town, but it was close to a lake, but the man'sname that owned the place I dis remember.

Q How do you recollect how long Jack lived there at that place?

A No sir, I don't remember how long he stayed there.

Q Do you recollect when Jack left there? A The place Jack lived on wasn't in town, it was out in the country, close to a big lake.

Q Did you recollect when Jack left there and come to the nation?

A No sir, I don't remember just when it was.

Q Had Jack been down to the Nation before he brought his family away from there? A Yes sir, he was all the time going backwards and forwards to the Nation himself, because I remember of several tripsho made back. Come down this way and then went back.

Q Was Charity staying with Jack at the time he lived up there, or do you know? A My brother lived out there but Charity wasn't there.

Q Was my little girl with Jack while he lived there? A Yes, when I wasn't hired out to the white folks I was staying with brother Jack.

Q And Charity wasn't staying there with Jack? A No sir.

Q Where was Charity at that time? A Here in the Nation I guess.

Q When you were up there working out and living there with your brother Jack? A Yes sir, she hadn't come yet.

Q Did Charity stay any length of time in Kansas when she was there?

A She didn't stay long.

Q About how long a time did Charity stay in Kansas when she was there? A As my remembrance Charity didn't stay there a month. No longer than they went up the board and turn on back.

Q Jack and your family were to big to get their families back here to the Nation? A Yes sir, coming back just as they could get back.

BY MR. HASTINGS:

Q You said yesterday they come back with Jack and his faily? A I said if brother Jack said she come with them I don't dispute his word.

Q You don't dispute it now? A I couldn't tell you what she done.

Q Well if Jack swears before the Commission himself on the 16th day of November, 1905, that he brought his family back in 1867, are you prepared to dispute that? A I don't know, I want dispute that. Of course I don't know whether it was 1867, I don't know nothing about them figures and years as I told you in the first place.

ON BEHALF OF THE COMMISSIONER:

Q Do you know who Charity did come back with from Kansas? The first time she came from Kansas? A I don't remember exactly who she came with only I said she went with that man Jack Buffington, and I think she lived with him, but who all come with them, I couldn't tell you because I don't know,--I don't recollect.

Q Do you know whether or not Jack Buffington, when he came down to the Nation, came before or after Jack Landrum did, or at the same time? A I don't recollect, I don't remember that. I don't know whether it was after or before.

Q Well you stated I believe that you came down when Jack Landrum did? A No sir.

Q Did you come before or after Jack Landrum? A I come I guess afterwards. I said I came with my sister Sealey.

Q Do you remember when Jack Landrum came down? A No sir, I don't recollect exactly when brother Jack came, because after I came from Kansas I stayed at home with my father awhile, and after I was grown I came to Gibson and lived there and there is where I was married.

Q As I understand it now then you don't know when Jack Landrum came or don't know when Jack Buffington came? A I was in Kansas when Jack Buffington and sister Charity were up there.

Q Do you know whether they left there before you did? A They must have left there before I did I guess.

Q I don't want you to guess about it, I want you to just take your time and see if you can get it fixed, whether you came to the Nation first or Jack Buffington came first? A I told you they came before I did because when I came from Kansas with my sister Sealey, sister Charity was at home with my father, and she must have come before I did.

Q How did Jack Landrum come before Jack Buffington came? A I told you I don't recollect, I don't know who all was in the crowd that they came in. Brother Jack may have come, there were several wagons.

Q Do you know whether they came at the same time? A They all left about the same time, as quick as they could get here.

Q Do you know whether Jack Landrum and his family and Jack Buffington, and those who came with him, came at the same time?

A You done asked me two or three times.

Q Well I know, do you know whether they came the same time? A I told you yesterday and today I couldn't tell you all who came together.

Q Do you know whether Jack Landrum and Jack Buffington came the same time? A I don't know whether they came at the same time or not. There were lots of them leaving there, they were leaving the same just as fast as they could get away.

By Mr. Birby, Commissioner: Satisfactory reasons being shown that Nellie Landrum, one of the witnesses whose testimony it has been advised was to be introduced in this case, is physically unable to appear in person at the Office of the Commissioner, at the request of the representative of applicants, the testimony of said Nellie Landrum will be taken at her residence near Vinita, Indian Territory, on this day.

In pursuance of above continuance the following proceedings were had in this case at the residence of the witness, Nellie Landrum, five miles southeast of Vinita, Indian Territory, this day, November 9, 1906:

NELLIE LANDRUM, being first duly sworn by George H. Lessley, a Notary Public for the Northern District, Indian Territory, testified as follows:

BY MR. BLENSON:
Q What is your name? A Nellie Landrum.
Q How old are you Mrs. Landrum? A Just about 70, that is what I give in.
Q You are a Cherokee by blood? A Yes sir.
Q About how much Cherokee blood have you? A I guess about a half, we call it shalf.
Q How long have you lived here Mrs. Landrum? A At this place?
Q Yes? A Well I moved here in '70 I believe.
Q You have been living in this neighborhood ever since about 1866?
A Yes sir.
Q Where did you live before the war? A Seven miles this side of Nowville.
Q Did you know some colored people named George and Peggie Landrum?
Q Yes sir, I knowed Uncle George Landrum, belonged to Uncle Dave Landrum.
Q Do you know what children they had? A Well I don't remember only the oldest ones, these girls here live in town, Chlora and Sealey, I believe and Jack.
Q Any others? A Charity and Sophia.
Q Did they have one named Hannah? A Yes sir, Hannah too.
Q They were slaves of Cherokee citizens at the commencement of the war? A Yes sir, they belonged to Aaron Landrum, or his wife Hester.
Q Did Charity go out during the war? A I couldn't tell you that, they were here when we moved back in '64.
Q You saw them here in the Cherokee Nation in 1866? A I saw them at Fort Gibson when we passed. That was the only time and after that I don't know where they were. We were passing through there along the road and they were all at a house and they called at us when we could not have noticed them. Said we by and passed and we just drove on, we didn't stop, we just passed them.
Q Did you see Charity any more after that? A No sir, I never seen her any more.

BY MR. LAMPTON:
Q Did you moved on up here on Spring Creek, did you? A Yes sir, I moved over here to Mr. Buffington's old place.

Q How far is that from Grand River? A I expect it is about 12 miles from Grand River.
Q And how far do you now live from Grand River? A I guess it is about 10 miles from here to the nearest part.
Q You live on Cabin Creek? A Yes sir.
Q Then you never did see them up in this section of the country?
A No sir, never saw them up here.
Q Did you ever know a colored man named Jack Buffington? A No sir.
Q You didn't see George Landrum at Fort Gibson, the old man? A No sir.
Q You just saw some girls? A Yes sir, well the old man was dead then. Old man George had died before that.
Q Do you know whether Peggie had died before that? A Well I think she had.
Q Now do you know whether or not this Charity afterwards went on up to Neosho Falls, Kansas? A No sir, I don't.
Q You don't know about that? A No sir.
Q You don't know how long they stayed at Fort Gibson? A No sir, I don't.
Q You only saw them as you were passing through? A That is the only time I saw them, when I was coming through.
Q You don't know, of course, how long they had been there and how long they stayed there? A No sir.
Q You just saw them the one time? A Yes sir, the one time.
Q And you afterwards have since lived here in the vicinity of Cabin Creek between where Vinita now is and Grand River and you have never seen her since that time you saw her at Fort Gibson?
A No sir, never have.
Q Did you ever see George Landrum since then? No sir. The old man?
Q Yes? A I saw him then.
Q I believe you said you didn't see him then? A No sir.
Q You didn't see him then and haven't seen him since, this George Landrum, the old man? A Well there was another George, his son, maybe it was him. I don't know where he went.
Q Well I am talking about Charity's father, you never saw him?
A Yes sir, old George Landrum.
Q You never saw him at Fort Gibson? A No sir, I never seen him.
Q I thought you said he was dead then and you never saw him?
A Yes sir, I thought he was dead but I remember he was alive when they had the small pox down here.
Q That was about 1883? A Yes sir, I guess it was.
Q You never saw him until about 1883? A No sir, they were living here on the River somewhere, that was the first time I guess he ever came around.

BY MR. [illegible]:
Q Who was in that crowd of girls when you saw them at Fort Gibson?
A I don't remember, there was several standing there, we were in a hurry, there was 4 or 5 were standing there and when they spoke. I guess they were all of the same family.

BY [illegible] OF THE COMMISSIONER:
Q Did you see Charity at that time and recognize her? A No sir, I didn't recognize her,—said they were all standing there, we were just passing, never stopped long enough to see who all was there.
Q Did you state whether or not Charity was in the crowd there?
A I guess she was, they were all there.

BY MR. HASTINGS:
Q Was Chlora Foreman? A Yes sir.
Q She told you they were all there? A She said, we were all standing there when we passed.

ON BEHALF OF THE COMMISSIONER:
Q Do you know who Al were in the crowd? A Well I know three, we just spoke.
Q Which three were they? A Them two oldest ones, Chlora and Sealey.
Q And Charity? A Yes sir.
Q Do you know where Peggie was at that time? A No sir, I don't.
Q Do you know whether or not she was living? A No sir.
Q Now was Peggie the slave of a Cherokee? A Yes sir, she belonged to Aaron Landrum, or rather his wife.
Q Did you ever see Peggie after the war? A No sir, I never seen her.

BY MR. HASTINGS:
Q As I now understand you, you come through Fort Gibson in 1866 and you saw Chlora Foreman and Sealey and some other colored people and you never positively identified Charity, but Chlora Foreman, her sister, has since told you you Charity was among them? A Yes sir, she said they were all standing there.
Q You were just driving through and paid no attention? A Yes sir, we were just passing by.
Q You didn't identify Charity but you did Chlora and Sealey? A Yes sir, I didn't identify them, they were several standing there on the porch.
Q But Chlorahas since told you Charity was among them? A Yes sir.
Q When did Chlora tell you that? A She told me here when her and Mr. Starr come out here.
Q That was the first time you knew Charity was there? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Was that less than a year ago? A Sometime last summer or last spring.
Q You never had any conversation with them at the time you saw them in 1866? A No sir.

W I T N E S S E X C U S E D .

Attorneys for applicants and the Cherokee Nation announce that they have no further evidence to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

Geo. E. Lovelly, being first duly sworn, states that he stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. E. Lovelly

Subscribed and sworn to before me this 23rd day of December, 1902.

John T. Gilbert
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

COPY

In the matter of the application for the enrollment of Alexander Alberty, et al., as Cherokee Freedmen, consolidating the applications for the enrollment of:

Alexander Alberty.....Cherokee Freedman R 707 (D 287)
Joanna Cook.....Cherokee Freedman R 708 (D 328)

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Alexander Alberty for himself and wife, Lizzie Alberty, the application for the enrollment of the said Lizzie Alberty has heretofore been disposed of and her right to enrollment will not be considered in this decision, and by Joanna Cook for herself. The records further show that on March 5, 1904, the Commission to the Five Civilized Tribes consolidated the applications for the enrollment of Jim Alberty, et al., Cherokee freedmen D 267, now R 367, James Alberty, Jr., Cherokee freedman D 328, now R 578, Alexander Alberty, Cherokee freedman D 744, now R 707, and Joanna Cook, Cherokee freedman D 745, now R 708, and rendered its decision herein, denying all the applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review and decision. Thereafter on January 26, 1906 (I.T.D.6080-04), 9487-04, 9871-04), the Department "owing to the unsatisfactory condition of the record" returned said case to this office with instructions to secure, if possible, "positive and satisfactory evidence upon which the Department would be justified in rendering a decision". Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, March 9, 1906. The records further show that on May 16, 1906, the Commission to the Five Civilized Tribes again rendered its decision herein, denying all of said applicants the right to enrollment as Cherokee freedmen, which decision was on August 8, 1906 (I.T.D.7678-06) duly approved by the Department. Thereafter on September 8, 1906 (I.T.D.10060-06), a motion to reopen said case insofar as it denied the applications for the enrollment of Alexander Alberty and Joanna Cook as Cherokee freedmen, for the purpose of giving said applicants an opportunity to establish their right to enrollment as Cherokee freedmen, as descendants of their mother, one Charity Alberty, having been filed

with the Department, the Department rescinded its decision of August 5, 1905, insofar as it affected the applicants, Alexander Alberty and Joanna Cook, and returned their case to this office for further hearing and readjudication. Further proceedings in the matter of said applications were had before the Commissioner to the Five Civilized Tribes at Muskogee and Vinita, Indian Territory, on November 8 and 9, 1906. A copy of the testimony taken at Muskogee, Indian Territory, on November 16, 1905, in the matter of the application for the enrollment of Andy Rider as a Cherokee freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Alexander Alberty and Joanna Cook, were born since 1866, and are descendants of Jim and Charity Alberty, and that it has been found by the Department in its decision rendered August 5, 1905, (I.T. D.7676-05), that said applicants possess no right to enrollment as Cherokee freedmen as descendants of the said Jim Alberty. The evidence further shows that the said Charity Alberty was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and after ample opportunity having been afforded said applicants to establish by satisfactory evidence that their mother, the said Charity Alberty, was an actual personal bona fide resident of the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation as provided by Section three of the Act of Congress approved April 26, 1906,(34 Stat. 137), they have failed to do so, hence the right of said applicants to enrollment as descendants of the said Charity Alberty comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.544-04), Ed Williams (I.T.D.4230-04), William Rector (I.T.D.1468-04), Minnie Duncan, et al. (I.T.D.1470-04), Samantha Chambers (I.T.D.2296-04), Moses Ross (I.T.D.6056-04), Jane Looney, et al. (I.T.D.6410,12688-04), Florence Bratcher (I.T.D.12692-04) and Frankie Grimmett (I.T.D. 17902-1906). Neither of said applicants can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Alexander Alberty and Joanna Cook are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Tams Bixby

Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

PETITION

United States
of America
Northern District
Cherokee Nation
Choctaw Ind Ter.

Sept. 22d 1905

To the Honorable Commission of Indian Affairs Washington D

Greeting:-

I appeal to your honor for and in behalf of Cherokee Freedmen D.744 and D.745 Alexander Alberty and Joanna Cook Children of James Albert and Charity Alberty nee Landrum (Decd.(for the following reasons:

1 -That they are Cherokee Freedmen and entitled to enrollment as such through their mother Charity Alberty nee Landrum who died in 1879.

2d Their rights were never examined into upon the mother's side,

3d They had no one to represent them before the Commission, and I have only recently(last few days) been employed to represent them.

4th Their mother was a slave of Aaron and Hester Landrum, Cherokee by blood and lived in the Cherokee Nation when the war commenced, went over into the Choctaw Nation and remained there during the war and returned to the Cherokee Nation in 1865 or 66

5th That Charity Alberty nee Landrum returned to the Cherokee Nation in the Fall of 1866 with her brother John Landrum, Mary Landrum nee Whitmire, Betsey Whitmire et al. all in 1880 roll citizens and reliable people as testified to before me on Big Creek I. T. in1879.

6th All their Uncles and Aunts on their mothers side are on the 1880 roll and all subsequent rolls of Cherokee Nation freedmen.

7th Alexander Alberty and Joanna Cook (nee Alberty) were born on Big Creek in the Cherokee Nation in 1875 & 1877 and have never been out of said Nation during their entire lives.

8th That they have valuable and lasting improvements, farms etc, made in said Nation now Saline District the entire labor of their lives.

9th That they were young and illiterate and knew nothing about having their names placed upon rolls and theyn left such matters to older heads and the National authorities whose duty it was.

10th We as entitled to enrollment under the Treaty of 1866.

11th We are Cherokee freedmen and entitled to all the rights, lands and moneys to be derived therefrom under the decree of the Court of Claims rendered on the 3d day of February 1896 at Washington D. C..

12th We ask that these two cases D.744 and D. 745 be reopened and a day set that we may be heard and the facts as above set forth be produced and our rights established.

13th We have the witnesses to clearly establish our rights beyond any question, and all we desire is the opportunity to do so.

14th We were ignorant of these facts until recently,

We were paid our K.C. or Strip money via.

Alex Alberty no. [illegible] age 21

Joanna Alberty no. [illegible] age [illegible] Choctaw District.

15th To enumerate our mothers brothers and sisters, Grand Father George Landrum no. [illegible] age 65, Grand Mother Caroline Landrum Land roll no. [illegible] age 65, Grand Mother Peggy-Ann-ting died Saline Dist.

Our mothers brothers and sisters,

John Landrum no 1880 roll Cen. Dist. [illegible] age [illegible] years,

Mary Landrum nee Whitmire Sallows et al age [illegible] yrs. on [illegible] or land per roll Cen. Dist.

[illegible] John Landrum age [illegible] years,

[illegible] Rudolph Landrum " " "

[illegible] Mary " " "

[illegible] E. L. Landrum age [illegible] years

[illegible] Russell " " "

[illegible] Thomas " " "

[illegible] Sarah [illegible] Charity Sharon, all the above are full brothers and sisters and 1880 roll citizens.

15th cont.

Half brothers and sisters-Will Lou Nan-Aggie-Katie-Chlora-Celia-Leonard Landrum all these except Lou, 1880 roll citizens.

16th Names of witnesses by whom the foregoing facts can be established-

James Rider-Joe Ross P.O. Chouteau, I. T.
Jess Chechran ex. judge Chelsea, I. T.
Arch Landrum-Allie Lynch and Newley Bell P. O. Vinita, I. T.
Jim Landrum-Dennis Wright-Betsey Whitmire-John Landrum Mary Landrum, Hayden, I. T.
Sam Lynch-Caroline Landrum-Lene Moore-Nelson Moore, Ketchum I.T.
Chlora Foreman, Muskogee, I. T.
Dan and Man Landrum Muskogee, I. T.
Lou and Will Landrum, Checotah, I. T.

I ~~am~~ have been reliably informed that our names were on the Wallace roll and erroneously erased therefrom, also that Charity Alberty nee Landrum drew the bread money in 1875 at Vinita, I. T. as she was there then.

18th I will state as a resident of Chouteau I. T. that I have known these children Alex and Joanna for the last twelve or fifteen years and I know that they have lived in the vivinity of Chouteau, continuously since I first knew them.

19th A copy of each of the above is sent to the Commissioner of Indian affairs Washington, D. C. W. W. Hastings Cherokee Atty. Tahlequah I. T. and Dawes Commission Muskogee, I. T. all of which is respectfully submitted by

I. P. Bledsoe
Their representative.

Affidavit

Northern Judicial
District of Indian, Terr.

Hayden, I. T.

Personally appeared before me, a Notary Public in and for the Northern District of Indian Territory, John Landrum to me personally well known who after being sworn makes the following state ment-

My name is John Landrum, I am 60 years old, my Post Office is Hayden I. T. I have lived near here for the last thirty or thirty-five years I was a slave of Aaron and Easter Landrum Cherokees by blood and lived in the Cherokee Nation I. T. when the war broke out the federal soldiers carried me north and I came back to Big Creek in the Cherokee Nationin the fall of 1886. I had a sister Charity Landrum who belonged to the same Cherokees who went South at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in 1865 or 66 and my sister Charity came back with them and came on up into Kansas with Jess Rowe to where I was and came back to the Nation with me in the fall of 1866 and married James Alberty and by whom she had three children, Alexander, Joanna and a baby who died young.

Alexander was born in 1875 and Joanna in 1876 and baby in 1878 or about one year before my sister Charity dies in 1879. These children were all born on Big Creek in the Cherokee Nation I. T. and while James Alberty and Charity Alberty nee Landrum were living together as man and wife. Charity Landrum or Alberty ever any of our folks, my brothers or sisters were disputed citizenship or counted doubtful- Charity drew the bread money in 1875 at Vinita, I. T. and would have been on the 1880 roll of Cherokee freedom had she been alive, as she was never out of the Cherokee Nation after her return to the Nation with me in 1886 but lived and died up here on Big Creek I. T. All my brothers and sisters are on the 1880 roll and all subsequent rolls of the Cherokee Nation I. T. viz.

Will-Dan-Sam- Sherman--Jim-Sophia-Sarah-Richard-Charity-Minerva-Hannah.

I know that Alexander and Joanna are as much entitled to be enrolled as my children.

John Landrum
his
mark

Subscribed and sworn to before me on this the 11 day of September 1906.

My Commission expires April 20-1909

D. P. Blue
Notary Public

AFFIDAVIT:

Northern Judicial Dist.
of Indian Territory.
Hayden I. T.

Personally appeared before me, a Notary Public in and for the Northern District of the Indian Territory. Mary Landrum to me personally well known who after being sworn makes the following statement:

My name is Mary Landrum, I am about 54 years old, My Postoffice is Hayden, I. T. I have lived near here for the last thirty or thirty-five years, I am a Cherokee freedman on all the rolls of citizens, I came back to the Cherokee Nation in 1866 and I knew that Charity Landrum afterwards Jim Alberty's wife came with me in 1866 . I also knew that she married James Alberty and had three children by him named Alexander, Joanna, and a baby born to them on Big Creek in the Cherokee Nation. The baby I think was born 1878 or about on a year before she died in 1879. I know that she remained in the Cherokee Nation after returning in 1866 until she died in 1879 on Big Creek, she was always said to be a good citizen and was a slave of the Landrums.

Mary x Landrum
Mark

Subscribed and sworn to before me on this 22d day of September 1908.

My commission expires Apr. 20 1909

J. P. Blidsoe
Notary Public

F D. 745

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day . A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A D 1901

Subscribed and sworn to before me this day of A D 1901

The Proof of Service made & filed

NOTICE!

IN THE MATTER OF The application of Joanna Cook for enrollment as a Cherokee Freedman:

Case No. F. D. 745

To Joanna Cook Choteau

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept 14 at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 2 day of Sept, 1901.

T. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

A F F I D A V I T E.

TO WHOM IT MAY CONCERN, GREETING:

My name is Nancy L. Adair. I am 49 years old. I am a Cherokee by blood about 1/4. I live about five miles South East of Vinita, Ind. Ter. and I have continued to live there since the Fall 1866.

I know Jack, Charity and Sophia, children of George Landrum who was a slave of Dave Landrum a Cherokee Indian. I saw Charity Landrum at their old home place near here (2miles) in the Cherokee Nation, Ind. Ter. in the fall 1866. They, Charity and Sophia were at Aunt Easters and her children Lersell, Jeta, Jess, David and myself were all to gather and played together as we were about all the children in the neighborhood during the year 1866

Nan L, Adair.

Vinita, Ind. Ter.

Oct. 30" 1906.

Personally appeared before me a Notary Public, Mrs. Nancy L. Adair to me well known and after being duly sworn made the above statement and signed same in my presence.

J. A. Leforce.

Notary Public.

My Commission Expires May 21st. 1908.

Vinita, Ind. Ter. Oct. 30th. 1906. I know of my own knowledge that Mrs Nellie A. Landrum is not physically able to go any where much less to Muskogee, Ind. Ter. as she is very old and feeble, as she has not been a to my house in several months and she attempted to go into her orched and almost failed to get back into her house and it is entirely out of the question to get her to go to Muskogee or even Vinita, Ind. Ter.

Nan L. Adair.

Vinita, Ind. Ter.

Signed and acknowledged before me on this Oct.30th. 1906.

J. A. Leforce.
Notary Public.

My Commission Expires May 21st. 1908.

Vinita, Ind. Ter. Oct. 30th. 1906. Received of J. P. Hledsoe for witness fees in Joanna Cook and Alice Alberty case ($8.00) Five Dollars.

Nan L. Adair.

TO WHOM IT MAY CONCERN,GREETING:

My name is Nellie A. Landrum. I am 70 years of age. I am a Cherokee Indian by blood,1/2. I have lived here on Cabin Creek in the Cherokee Nation, Ind. Ter. since 1866(in the fall) about five miles South East of Vinita, Ind. Ter. I am totally unable to go any distance now,as I have not been to Vinita in the last five years,on account of Rheumatism, Neuralgia and nervous prostration,causing dizziness and sickness when I go anywhere. I do not even visit my son near me more than once a year.

I was well acquainted with Aaron and Easter Landrum,Aaron Landrum being my husband's brother,both being Cherokees by blood and who lived in the Cherokee Nation, Ind. Ter. near Vinita, Ind. Ter. before the war of 1861 and I lived near Maysville, ArK, then. I was well acquainted with George and Peggie Landrum,slaves of Aaron and Easter Landrum and I know Jack,Hannah Charity and others- children of George and Peggy and I know that they were not sold but were slaves of Cherokees when freed. I saw Charity Landrum at Fort Gibson, Ind. Ter. in the Fall of 1866 when I came back to the Cherokee Nation, Ind. Ter. as we went to Benton and Washington Counties Ark. during the war and staid any where we could get any thing to eat.

her
Nellie A. X Landrum.
mark

Vinita, Ind. Ter.

Oct. 30" 1906.

Personally appeared before me a Notary Public for the Northern Judicial District, Ind. Ter. Mrs Nellie A. Landrum and after being duly sworn made the statement and subscribed thereto above written.

J. A. Leforce.

Notary Public.

My Commission Expires May 21st. 1908.

P E T I T I O N.

TO THE HONORABLE DAWS COMMISSIONER: GREETING,

Your humble petitioners respectfully ask and beg your honor that the deposition of Mrs Nellie Landrum of Vinita, Ind. Ter. be taken in their citizenship cases now pending before your honor for the following reasons;

(1) Her evidence is very necessary to establish our mothers slavery and her return to the Cherokee, Nation, Ind. Ter. within the limits of the treaty of 1866.

(2) She being one of two witnesses to establish our rights by Cherokees of Indian blood.

(3) She and her family were the owners of our [redacted].

(4) Our Mother, Charity Landrum, was the slave of Easter and John Landrum who returned to the Cherokee Nation in 1865 or 1866.

(5) These facts can only be established by her evidence as an Indian and corroborated by the evidence of Cherokee Freedmen.

(6) Owing to her age and imfirm condition she cannot be enduced to appear befort the Daws Commission at Muskogee, Ind. Ter.

(7) She is cognizant of all the facts that are material in establishingø our rights to citizenship in the Cherokee Nation, as Cherokee Freedmen.

( ) We cannot safely go into trial without her evidence in our case.

We humbly pray your honor to grant our request and have the same taken at as early a date as possible.

Witness
P. H. Crocket
Albert LeCoy.

Joanna Cook
her
Alexander X Alberty
Mark

Chouteau, Ind. Ter.

Oct. 29th. 1906.

Subscribed and sworn to before me this 29th. day of October 1906.

Will A. Crockett.

Notary Public.

My Commission Expires Dec. 9th. 1906.

copy

Muscogee, I. T. Dec. 22nd 1903

Personally appeared before me Lum McStair who after being duly sworn makes the following statement - I was well acquainted with George Landrum and his children Chloa Foreman nee Landrum and Charity Allenty nee Landrum and I know that they returned to the Cherokee Nation in the Fall of 1866. I saw them at the Skull place during the fall of that year in the Cherokee Nation and I know that Charity Allenty nee Landrum died before the year 1880 in the Cherokee Nation and that she was always considered a good citizen of the Cherokee Nation. I know all the brothers & sisters are on the 1880 and Dawes Commission rolls of the Cherokee Freedmen citizens. I am a freedman citizen of said Nation and 55 years old and live at Vinita Ind. Ter.

witness mark
E. D. Weldon

Lum his McStair mark

A B

There was no notary present when written Lum signed

Northern Judicial Dist of Ind Ter. } Affidavit — Copy

afterward acknowledged before Wm Madden on 21 Nov. 05 - but not now in papers returned to me I suppose lost D.O.S.

Hayden. Ind. Ter.
Sept 22d 1905 -

Personally appeared before me, a Notary Public in & for the Northern District of Indian Territory Mary Landrum to me personally well known who after being sworn, makes the following statement - My name is Mary Landrum. I am about 54 years old. My Post Office is Hayden I.T. I have lived near here for the last 30 or 35 years. I am a Cherokee freedman, on all the rolls of citizens. I came back to the Cherokee Nation in 1866 and I know that Charity Landrum afterward Jim Albertys wife came with us in 1866. I also know that she married James Albertys and had three children by him named Alexander Albertys, Joanna and a baby born to them on Big Creek in the Cherokee Nation, the baby I think was born in 1878. or about one year before she died in 1879 - I know that she remained in the Cherokee Nation after return in 1866 until she died in 1879 on Big Creek. She was always a civil & a good citizen and was a slave of the Landrums

Hayden I.T. Mary Landrum
her mark

Subscribed & sworn to before me on this Sept 23d 1905 -

Affidavit Copy

Muscogee I. T. 1/9/06.

Personally appeard before me L. D. Daniels who after being duly sworn makes the following statement, I am 61 years of age and live at Lenapah I. T. I was running a ferry ~~at Fort Gibson I. T. across~~ grand river in the year 1866 and I set across in my boat Cassie or Peggy Landrum and three or four of her children (all girls) during that year 1866 and I am satisfied that Chlora and Charity was in the crowd, they were returning from the South down on Red river where they had been taken during the War, Cassie or Peggy's husband's name was George Landrum

L. D. Daniels

Subscribed and sworn to before me this 10th day of January 1906
My Com. Exp. Feb. 10/06.

M. W. Clark
Notary Public
Muskogee Dist.

(seal)

(1)

Affidavit Copy

Northern Judicial
District Indian Terr.
Hayden I.T.

Personally appeared before me a Notary Public in and for the Northern District of Indian Territory, John Landrum to me personally well known who after being sworn makes the following statement - My name is John Landrum, I am 64 years old, my P.O. is Hayden I.T. I have lived near here for the last 39 years. I was a slave of Aaron and Easter Landrum Cherokees by blood and lived in the Cherokee Nation I.T. when the war broke out the federal soldiers carried me North and I came back to Big Creek in the Cherokee Nation in the Fall of 1866. I had a sister Charity Landrum who belonged to the same Cherokees who went south at the beginning of the war into the Choctaw Nation, but returned to the Cherokee Nation in 1865 or 66 and my sister Charity came back with them and came on up into Kansas with Lewis Rowe to where I was and came back to the Nation with us in the fall of 1866 and married James Alberty and by whom she had three children Alexander, Joanna and Abely who died young. Alexander was born in 1875 and Joanna in 1876 and Abely in 1878 or about one year before my sister Charity died in 1879. These children were all born on Big Creek in the Cherokee Nation I.T. and which James Albert and Charity Albert and Landrum were living together as man and wife. Charity had

(2) copy

or albert nor any of our folks, my brothers or sisters were disputed citizenship, or counted doubtful - Charity drew the bread money in 1875 - at Vinita, I.T. and would have been on the 1880 roll of Cherokee freedmen had she been alive as she was never out of the Cherokee Nation after her return to the Nation with me in 1866 but lived & died up here on Big Creek, I.T. all my brothers and sisters are on the 1880 roll and all subsequent rolls of the Cherokee Nation I.T. viz, Will - Dan - Sam - Sherman - Sophia - Sarah - Richard - Charity - Minerva - Hannah. I know that Alexander and Joanna are as much entitled to be enrolled as my children

John his x mark Landrum

Subscribed & sworn to before me on this 22d day of September 1905

My Comd Exp April 20th 1909 — J. P. Bledsoe, Notary Public

Witness
John Matthews
J. Madden

John his x mark Landrum

Subscribed and sworn to before me on this 22 day of Nov. 1905 -

Filed

M. Madden Jr.
Notary Public

copy

Choteau Ind. Ter.
January 12th 1906.

To The Honorable Dawes Commission Muscogee, I. T.

In reply to your letter of Dec. 23d 1905 - I write you & herewith enclose petition and affidavits as per your request, I could have procured many more to establish my right through my mother (Charity Alberty nee Landrum) but owing to my poor way of traveling and the bad condition of the weather I have only a few but I hope a sufficient number to have my case reopened as I know my mother died in 1879 and from what I have heard she was here in the Cherokee Nation, I. T. with the rest of her brothers & sisters, father & mother in 1866, my aunt Chloe Foreman on the 1880 roll lives at Vinita and I can procure her statement also as she is a full sister of my mother and they all came back from the south together as I am informed, and I know that my mother lived & died here and raised me and my brother Alec Alberty here in the Cherokee Nation and that we have never been outside of the Cherokee Nation & live having our lives and our homes and all that we have is here in the Cherokee Nation and I know that if our case is reopened we will be fully able to establish our right & citizenship here. Hoping that your honor will act speedily and favorably,

[illegible]

Subscribed & sworn to before me on this
January 12th 1906
Choctaw Dist. Ty.

Will A. Crockett
Notary Public

(Seal)

My Comm Ex. Dec. 9th 06.

Sept 22 - 1905 -
(Renewed)
January 18th 1905.

Petition.

United States of America
Northern District of Ind. Ter.
Cherokee Nation. P.O. Choteau.

To The Honorable Commissioner of Indian affairs Washington, D.C. Greeting:

I appeal to your honor for and in behalf of Cherokee Freedman D 744 and D 745 Alexander Alberty and Joanna Cook children of James Alberty and Charity Alberty nee Landrum (dec'd) for the following reasons:

1 - That they are Cherokee Freedmen and entitled to enrollment as such through their mother Charity Alberty nee Landrum, who died in 1879.

2 - Their rights were never examined into upon the mothers side.

3 - They had no one to represent them before the Commission, and have only recently been (last few days) been employed to represent them -

4 - Their mother was a slave of Aaron and Easter Landrum, Cherokees by blood and lived in the Cherokee Nation from the war [illegible] and returned to the Cherokee Nation and remained there during the war and returned to the Cherokee Nation in 18[illegible]

5 - That Charity Alberty nee Landrum returned to the Cherokee Nation in the Fall of 1866 with her two [illegible] children. [illegible]

all in 1880 were citizens and reliable people as testified to before me on Big Cuttbank in 1900.

6- All their parents and kinsfolk on their mother's side are on the 1880 roll and all subsequent rolls as Chief Antoine Freedman.

7- [illegible] and [illegible] are [illegible] the [illegible] in 1876 & 1877 and they are [illegible] C & [illegible] [illegible] [illegible] [illegible]

8- [illegible] were young and illiterate and knew nothing about having their names placed upon rolls and they left such matters to older heads and the National authority whose duty it was

10- We are entitled to enrollment under the Treaty of 1855.

11- We are Bannock, Indians and entitled to and the equity, [illegible] is the claim [illegible] the decree of the Court [illegible] [illegible] day of [illegible] 1896 [illegible]

12 – We ask that these two cases D-744 and D-745 be reopened and a day set that we may be heard and the facts as above set forth be produced and our rights established.

13 – We have the witnesses to clearly establish our rights beyond any question, and all we desire is the opportunity to do so.

14 – We were ignorant of these facts until recently, We were paid our Strip or K.C. money viz: Alice Albert No. 1230-35-60 age 21 Joanna Albert No. 1232-35-62 age – Coo. Dist

15 – To enumerate our mother brothers & sisters – Grand father George Landrum No. 875-881-65 age 68 Grand Step Mother Caroline Landrum 1880 roll No 876-888-66 age 50. Grandmother Peggy having died saline Dist. our Mother brothers and sisters – John Landrum on 1880 roll Coo. Dist. No. 142-143-141 – age 48 years. Mary Landrum m: Whitmin follows et al age 41 years on K.C. roll or 1894 pay roll Coo. Dist.

306-437	John Landrum	age	54 years
877-889-68	Daniel "	"	26 "
307-438	Mary "	"	47 "
879-890-70	W. L. "	"	22 "
881-898-67	Samuel "	"	28 "
882-899-69	Thomas "	"	23 "

Sophia – Sarah – Richard – Manoah – Charity, Minerva. all the above are full brothers sisters and 1880 roll Coo. Co.

15 - Half brothers and sisters - Will - Lou, Nan Aggie - Katie - Chlora - Celia - and Leonard Landrum all these except Lou, 1880 roll citizens.
16" Names of witnesses by whom the foregoing facts can be established. L. D. Daniels - Lenapah I.T.
James Rider - Joe Ross P.O. Choteau, I.T.
Jas Cochran ex Judge Chelsea, I.T.
Jim. Landrum, Dennis Wright - Betsy Whitmin - John Landrum & Mary Landrum Hayden I.T.
Simon Lynch - Caroline Landrum - Tom Moore Nelson Moore, Ketchum I.T.
Chlora Foreman - Dan & Nan Landrum Muscogee I.T. - Arch Landrum - Allen Lynch - Wooly Bell - Flora Foreman - Lum McNair - Jim Thompson - Nellie Landrum - Vinita I.T. - Lou and Will Landrum Checotah I.T. I have been reliably informed that our names were on the Wallace roll and unknowingly erased therefrom, also that Priscilla Lindsey nee Landrum received the broad money in 1870 at Vinita I.T. as she was then there
18 - I will state as a resident of Choteau I.T. that I have known these children Alex & Joanna for the last twelve or fifteen years and I know that they have lived in the vicinity of Choteau, continuously since I first knew them.
19" A copy of each of the above including affidavit is sent to the Dawes City at Muscogee I.T. & the Dawes Commission, Muscogee I.T. respectfully

Copy-

Vinita I.T. 1/17/06.

To Whom It may Concern:

My name is Flora Foreman - I am 50 years of age, I live at Vinita, I.T., I am a Cherokee freedman on all the rolls of Cherokee freedmen - I am a half sister of Charity Alberty nee Landrum, dec'd. George Landrum being the father of us both - Peggy Landrum being Charity Landrums mother, I know that Charity Landrum come back to the Cherokee Nation I.T. in 1866 with Easter, Susie and Nellie Landrum, her young mistress in 1866 and I know that Charity died here in the nation before the 1880 roll was made & that she lived here until she died and I know that Joanna Cook nee Alberty and Alec. Alberty are her children and good citizens and entitled to enrollment as Cherokee freedmen as they are their mother was never disputed -

Witness to Mark
Joanna Cook
George Cook

Flora her x mark Foreman

Subscribed & sworn to before me at Vinita I.T. this the 17 day of January 1906

O. E. Drake
Notary Public,

(Seal)
My Commission Exp. Jany 17th 1908

Copy-

Vinita I. T. Jany 17th 06

To Whom It May Concern:

My name is Thomas H. Moore I am 53 years ~~of age~~ old: I live 3 miles East of Ketchum I. T. I am a Cherokee citizen by Straight. I know George Landrum and his wife Peggy who is the mother of Charity and Sophia Landrum and I know that they came back to this country, the Cherokee Nation I. T. in the year 1866 and I know that Charity is the mother of Joanna Pook nee Alberty and Alec. Alberty and I know that they are all good citizens and should be enrolled. Charity and Sophia lived with me when they came back from the South with their young mistress Easter Susie & Nellie Landrum in 1866 and I know that Charity lived here until she died in 1879 and was always counted a good citizen.

Thomas H Moore

Subscribed and sworn to before me at Vinita I. T. this the 17th day of January 1906

O. E. Drake
Notary Public

(Seal)
My Commission Expires
Jan. 18 1908

Copy

Hayden, I. T.
Nov. 20th 1905

Personally appeared before me a notary public Lewis Wright, age 65 years and Betsy Wright (wife) age 61. who after being duly sworn states, We are Cherokee freedmen ~~on all the rolls as such and residents of~~ this vicinity and we have lived here 39 years and are well acquainted with Charity Laudrum dec'd. who died in 1879 near here in the Cherokee Nation. She came to our house here in the year 1868 and remained with us until she married James Alberty. She lived continuously after her return here until she died in 1879. She drew the bread money and was always considered a good citizen of the Nation, having been a slave of Chickasaw before the war

Lewis his x mark Wright
Betsy her x mark Wright

Witness - Mayes Sanders
Frank Hughes

I. P. BLEDSOE

ATTORNEY AT LAW—PRACTICAL SURVEYOR—REAL ESTATE-MAN—CITIZENS LOCATED

ALL BUSINESS BEFORE THE DAWES COMMISSION AND DEPARTMENTS AT WASHINGTON, D. C. GIVEN SPECIAL ATTENTION

CHOUTEAU, I. T. Nov. 4th 1906

Friend Will:

I enclose you copy of petition requesting that the deposition of Mrs. Nellie Landrum of Vinita I. T. be taken in the case of Joanna Cook nee Albert and Alice Albert.

Very Respy.

I. P. Bledsoe

I will be on hand Thursday Nov. 8th with what witnesses I can get there

Very Respy

I. P. B.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

Y. P.
LLB

D. C. 49210-1905.
I.T.D.13858-1905.
LRS

October 24, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 19, 1905, the Indian Office submitted a petition for rehearing in the Cherokee freedman case of Alexander Alberty et al. (D.744 and 748), made by I. P. Bledsoe, "Their representative."

The motion does not point out specifically any error in the decision of the Commission to the Five Civilized Tribes, adverse to the claimants, which was affirmed by the Department August 5, 1905. It is not shown that a copy of the motion and the affidavits attached have been served upon the attorney for the Cherokee Nation. Said Bledsoe, before whom the affidavits were made, is a notary public.

Notaries public in the Indian Territory are not allowed to practice before this Department. The motion is denied and you will so advise the parties in interest.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

Refer in reply to the following:
Cherokee Freedmen
D-744, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 3, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of October 24, 1905, in which the motion, filed in behalf of Alexander Alberty, et al., to have reopened their Cherokee freedmen enrollment cases, is denied.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Encl. S-78

C O P Y.

F.P.

I.T.D. 15364-1906.

FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LRS

September 8, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There were received with your office letter of March 2, 1906, and Indian Office letter of August 29, 1906, certain papers filed by the attorney for Alexander Alberty and Joanna Cook in connection with a petition for the enrollment of Alberty and Cook as Cherokee freedmen, which application for enrollment was rejected by the Department August 8, 1905, the decision of the Commission to the Five Civilized Tribes adverse to the claimants being affirmed.

As your office states, the petition, again filed, was denied by the Department October 24, 1905, for the reason that a copy thereof, and of the affidavits accompanying it, had not been served upon the attorneys for the Cherokee Nation, and for the further reason that the agent filing the same and before whom the affidavits were executed was a notary public. You report that said agent has resigned his commission as notary and has been admitted to practice before your office.

In January, 1906, the papers previously filed, and other affidavits, were transmitted to your office by said agent but

without proper evidence of service of copies upon the attorney for the nation.

Neither the attorney for the claimant nor the claimants themselves seem to understand in what manner the motion desired to be made should be prepared and presented; they appear to think that the Department might order enrollment upon such ex-parte statements without a rehearing.

The cases of these applicants were consolidated with that of Jim Alberty, their father, through whom they claim. His application was rejected in the decision of the Department referred to. They also claim through their mother, Charity Alberty, but for some reason which does not appear little testimony was taken as to her.

The petition now submitted, while not going into detail as to the alleged residence of Charity Alberty in the nation, indicates that possibly she was the slave of a Cherokee citizen and returned to the Cherokee Nation within the time prescribed by the treaty of 1866. The Department deems it advisable that a rehearing should be allowed such applicants. The decision of August 8, 1908, is therefore rescinded as to Alexander Alberty and Joanna Cook. The original record and papers received with your office letter of March 2, 1906, are inclosed, and you are authorized to order a rehearing, and after the same is had, to readjudicate the case.

Respectfully,

Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs.
3 inclosures.

COPIED IN DEPT TO THE FOLLOWING

Cherokee Freedmen
R 707- R 708

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 24, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of September 8, 1906, wherein its decision of August 8, 1906, affirming the decision of the Commission to the Five Civilized Tribes, rejecting, among others, the applications for the enrollment of Alexander Alberty and Jessie Cook, is rescinded, and a rehearing ordered as to them. Testimony is especially desired tending to show that right said applicants possess to enrollment as Cherokee Freedmen, through their mother, Charity Alberty.

I. P. Rhodes, Agent for applicants, Choctaw, Indian Territory, has been this day requested to advise this office at the earliest practicable date the names and addresses of all the witnesses expected to be introduced in this case. Upon receipt of such information you

will be advised thereof and a date will be set for a re-hearing in the case, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of the Departmental letter of September 8, 1906.

Respectfully,

Commissioner

L M B

Encl. B-56

(COPY)

I.T.D. 16068-1906
13137- "

Y.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

L.R.S.

October 24, 1906.

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory.

Sir:

On September 26, 1906, the Department denied a motion for rehearing in the Cherokee freedman case of Jennie Martin, et al. On the 22nd instant there was filed by local attorneys for the applicants a motion requesting that "final action" be not taken in this case under the decision of September 26, 1906, but that "the applicants herein be given a reasonable time within which to file supplimental affidavits which shall embrace in detail the evidence which the attorneys for said applicants have hereinbefore represented they were able to prove as to the circumstances connected with the establishment of a bona fide residence in the Cherokee nation of the character fixed by the Act of April 26, 1906 (34 Stats. L. 137), and that the conclusion of the Supreme Court of the Cherokee nation affecting these cases by reason of fraud or lack of evidence then available was clearly wrong."

Said attorneys have been advised that the applicants will be allowed thirty days from this date to submit, through

your office, such affidavits as they may desire to present. The motion is enclosed and the Indian Office has been requested to transmit to you the papers in that office relative to the case.

It is requested that should further proceedings be had by the claimants within the time specified, you will carefully consider the record as then made and submit all the papers to the Department with recommendation. Advise the attorney for the nation hereof.

Respectfully,

(Signed) E. A. Hitchcock
Secretary

1 inclosure.

REFER TO AND REPLY TO THE FOLLOWING:

Cherokee
P. R. 358 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 1, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed a copy of Departmental letter of October 24, 1906, allowing Attorneys for applicants in the Cherokee Freedman case of Fannie Martin, et al., thirty days from that date within which to file affidavits in support of the motion for a rehearing of said cases, which motion was denied by the Department September 26, 1906.

Respectfully,

Commissioner.

Inc. Cl-1.
MK.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F R 707-708

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 24, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, November 8 and 9, 1906, and at Vinita, Indian Territory, November 9, 1906, in the matter of the applications for the enrollment of Alexander Alberty and Joanna Geck as Cherokee Freedmen.

Respectfully,

Commissioner.

Incl. EL-480

REFER IN REPLY TO THE FOLLOWING
Cherokee E.
E 707
E 708

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 8, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Alexander Elbert, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enl. E.J.S.-EB.
E.J.S.

After 5 days, return to

J. R. Bledsoe

CHOTEAU, IND. T.

CHOTEAU NOV 1 IND

Hon. W. W. Harling
Cherokee Nation
Muscogee
Ind. Ter.

Cher. Fr. D-746

Cher. Fr. D-746

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18,1901.

In the matter of the application of George Melton for the enrollment of his son, Peter Melton, as a Cherokee freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A George Melton.
Q How old are you? A I am about 56.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Coweescoowee.
Q How old is Peter? A 25.
Q What is his post-office? A Lenapah.
Q Coweescoowee District? A Yes sir.
Q Is he living? A No sir.
Q Was he ever married? A No sir.
Q What is the reason he isn't here? A He is in the penitentiary at Leavenworth.
Q Was he born and raised in the Cherokee Nation? A Yes sir.
Q Always lived in the Cherokee Nation until he went to the penitentiary? A Yes sir.

BY CHAIRMAN HEPBURN HASTINGS:

Q When did you get this certificate, have you had this all the time? A Yes sir.
Q By COM'R KEEDLES: These have just been made out lately and given to you? A Of course they were copies off of the other one.
Q Where is the original? A The original one of this Susan was burned up.
Q Who signed this? A The parson I guess.
Q Duffin? A Yes sir, he is dead.
Q Been dead some time? A Yes sir.
Q Well he never wrote that name there? A No sir, his [illegible] wrote that.

BY MR HASTINGS:

Q What was your [illegible] wife before Susan? A Her name was Charlotte.
Q Did you separate from her? A Yes sir.
Q How long did you live with her? A We had two children and both of the children died and we separated.
Q Who married you to Charlotte? A Nathan Duffin.
Q About when were you married to Charlotte? A I was married to Charlotte in '68.
Q You lived with her long enough to have two children? A Yes sir.
Q Were you divorced from her? A Yes sir.
Q By what court? A We didn't get to no court, she married and of course that separated us after she married.
Q And then you just quit? A Yes sir.
Q Then in '72 you married Susan? A Yes sir.
Q She had been married before? A Yes sir.
Q What was her first husband's name? A Name was William French.
Q Was he living when you married her? A He died.
Q How did he [illegible] married her? A Yes sir.
Q She had only been married once? A That's all I know.

BY COM'R NEEDLES:

Q And she was your mother of Peter? A Yes sir.
Q Not your wife? A Divorced for a year before we, then we were married. A We went off, and of course she [illegible] married.
Q She is living yet? A Yes sir.
Q She is not a citizen? A No sir, she's a [illegible].
Q [illegible] A I don't know, she's a [illegible].
Q [illegible]
Q [illegible]
Q [illegible] A Yes.

George Melton for son Peter 2.

Q And she is not a Cherokee citizen? A No sir.

1880 authenticated roll of citizens of the Cherokee nation examined and for Peter Melton and not found thereon.

Q Did Peter go by any other name? A No sir.
Q Did you draw Strip money for him? A Yes sir.

Tom-Clifton pay roll of citizens of the Cherokee nation examined and Peter Melton identified on page 8 #176 Peter Melton, Coo-weescoowee District.

Q What is the reason Peter Melton's name is not on the roll of 1880? A I could not tell you; his census has been taken ~~over~~ ~~time to time~~ every time they went around. I went before them just like I come before you and gave them the children's names.
Q Who is Ellen Melton? A That's my daughter.

Wallace roll of citizens of the Cherokee nation examined and applicant Peter Melton identified as page 124 #2611 Peter Melton, Coo-weescoowee District.

Q You were married before you were married to Susan French? A Yes sir.
Q What was your wife's name? A Charlotte. Alberty.
Q And you were separated? A Yes sir.
Q Never divorced by law, did she marry before you married the second time? A Yes sir.
Q Who did she marry? A Wade French.
Q But her name was Susan French when you married her? A This is another one.
Q Then after she married you married Susan French, the mother of Peter Melton? A Yes sir.
Q And Peter Melton is your child by that marriage? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified as page 148 #1847 George Melton, Coo-weescoowee District.

HELEN MURRELL, being sworn and examined by Commissioner Meadows, testified as follows:

Q What is your name? A Helen Murrell.
Q What is your age? A 70.
Q What is your post-office? A Gatesville.
Q You know George Melton? A Yes sir.
Q Did you know a woman supposed to be his wife, Susan? A Yes sir.
Q Do you know of their being married or not? A No sir, I don't.
Q You weren't present at their marriage? A No sir.
Q Do you know of your own knowledge how they lived together as man and wife? A Yes sir.
Q Were they recognized as man and wife in the community in which they lived? A Yes sir.
Q Do you know? A Yes a number of times.
Q Do you know whether George Melton ever married another woman while they were living together as man and wife? A No sir.
Q What was their name? A I don't remember their name.
Q Did you sign this report as contributed as a witness for the claimant? A No sir, I didn't sign it.

Cross Examination by the claimant for the Commission.

ent of his son, Peter, 25 years of age; he avers that said Peter Melton is confined in the penitentiary, consequently cannot be present; he avers that he was originally married to one Charlotte Alberty, by whom he had two children, now deceased; he does not apply for them; he avers that Charlotte Alberty and he separated and there was no legal divorce; his wife Charlotte married again, one Washington French; after her marriage he married one Susan French, and he makes satisfactory proof of his marriage to said Susan French; he avers that by said Susan French he has one child named Peter Melton, the applicant, 25 years of age, ~~approximately~~, whose name is not found on the authenticated roll of 1880 or the census roll of 1896, but who is duly identified upon the Cherokee roll and the Wallace roll, according to page and number of the roll as indicated in the testimony; said applicant, George Melton's name is found upon the authenticated roll of 1880, and he is duly identified according to page and number as indicated in the testimony; it would appear from the testimony that the only difficulty as to the enrollment of said Peter Melton would be the ~~fact~~ fact that his father George Melton was never divorced from his first wife, Charlotte, before he married Susan, the mother of the applicant; consequently the said Peter Melton will be listed for enrollment as a Cherokee freedman on a doubtful card, awaiting further consideration of the Commission, and he will be notified by mail of the action of the Commission in the ~~premises~~ premises.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 28, 1901.

Examiner.

Y. D-746.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 20, 1902.

In the matter of the application of Peter Melton for enrollment as a Cherokee freedman.

SUPPLEMENTAL TO D-746.

Applicant appears by his father.
Cherokee Nation appears by W. W. Hastings.

GEORGE MELTON, being first duly sworn, testified as follows:

COMMISSION: What is your name? A George Melton.
Q How old are you? A I am 57.
Q What is your postoffice address? A Lonepah.
Q You are a recognized freedman of the Cherokee Nation are you? A Yes, sir.
Q You are the father of the applicant, Peter Melton? A Yes, sir.
Q Who is his mother? A Her name was Susan, she was a state woman.
Q You were married before you married his mother, were you? A Yes, sir.
Q What was the name of your first wife? A Charlotte.
Q How long did you live with Charlotte? A I lived with her about a year.
Q She left you then did she? A Yes, sir, she gone off to Fort Scott and stayed two years.
Q After your separation from her you married Susan Melton did you?
A She married first, and when she stayed two years.
Q After her separation you married Susan Melton did you? A Yes, sir.
Q About when was that that you married Susan? A I married her about '70.
Q 1870? A Yes, sir, I think that was the time, about, near as I can remember.
Q Well how old is this boy Peter? A Why he will be 31 years old I think in September.
Q 31? A Yes, sir, I think it was along in the fall if I mistake not.
Q Well was he born before you married Susan or after? A After I think.
Q Are you positive about the date of your marriage to her? A Yes, sir, as I told you, I think I positive as to that.
Q Is this your oldest child by her? A Yes, sir.
Q Did you have one older than Peter? A Yes, sir, she died.
Q By your wife Susan? A Yes, sir.
Q By your first wife? A No, sir, my wife Susan.
Q How long did you live with Susan before you married her?
A Why I lived with her, five or six children was born.
Q Did you live with her until the time she died? A Yes, sir, I lived with her until she died.
Q Recognized her as your wife throughout the intervening time?
A Yes, sir.
Q Mr. Johnson, how old you said do you consider Peter? A Why, about 31 if I didn't mistake my reckon, I think it would, [illegible] that children was 1? A Yes, I think I could prove the [illegible] you asked me about the other one he is a [illegible] from home.
Q He grew up a stranger from your home? A Yes, sir.
Q Did he live with you? A Yes, he lived with us [illegible]

came back she came back married.
Q And then you married? A Yes, sir, I married.

GEORGE VANN, being first duly sworn, testified as follows:

COMMISSION: What is your name? A George Vann.
Q How old are you? A 22.
Q What is your postoffice address? A Lenepah.
Q Are you acquainted with Peter Melton? A Yes, sir.
Q How old is he? A Well sir, I don't know.
Q Do you know his father? A Yes, sir.
Q What is his father's name? A Well some call him Caesar Hall and some call him George Melton.
Q Who is the mother of Peter Melton, did you know her? A Her, yes, sir, I have seen her a good many times.
Q What was her name? A Well I forget her name now.
Q Is she living or dead? A She's dead.
Q Do you know whether or not George Melton was married more than one time? A He was married three times I believe.
Q What was the name of his first wife? A His first wife was Uncle Ben Alberty's stepdaughter.
Q Do you know what her given name was? A Charlotte.
Q Did they separate? A Yes, sir.
Q Did she leave George Melton or did he leave her? A Well I don't know, there was a parting between them. I think she left him; she went to Fort Scott, I think.
Q After the separation from her he married again, did he? A Yes, sir.
Q Was that Peter's mother that he married the second time? A Yes, sir.
Q How long did he live with Peter's mother? A Oh -
Q Up till the time she died? A Up to the time she died.
Q Were they generally recognized throughout the community as man and wife? A Yes, sir.
Q People so regarded them did they? A So regarded them as man and wife.
Q Do you know whether this Peter Melton was his child by Susan? A Well that's the talk.

Arthur G. Geddings, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Geddings

Subscribed and sworn to before me this 9th day of June, 1908.

Notary Public.

Cherokee Freedmen D 746.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peter Melton as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 18, 1901, George Melton appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of his son, Peter Melton, as a Cherokee Freedman.

The evidence shows that the applicant was about twenty-two years of age at the date of this application, and that he is the son of George Melton, who is identified as an adopted colored on the 1880 authenticated Cherokee roll. It is presumed from this enrollment that the Cherokee Nation recognized that the said George Melton complied with the terms of the treaty of 1866.

The evidence further shows that at the date of this application the said Peter Melton was incarcerated in the penitentiary at Leavenworth, Kansas; and that prior to his incarceration he had always resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Peter Melton, having been born since 1866, should be enrolled as a Cherokee Freedman, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

W. F. Beasley
Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible] 10 1902

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-746.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of George Melton for the enrollment of his son, Peter Melton, as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. E-36.

Cher. Fr. D-747

Cher. Fr. D-747

DOUBTFUL, as to James Harrison Hill:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 17th, 1901.

In the matter of the application of Lucy Hill for the enrollment of herself and three children as Cherokee Freedmen; said Hill being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Lucy Hill.
Q How old are you? A I guess I am about 50 I guess, I don't know my age.
Q What is your post office? A Nowata.
Q In what district do you live? A Cooweescoowee District.
Q You want to be enrolled as a Cherokee Freedman do you?
A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Just me and my children.
Q How many children? A Got five I believe that is living now that I have got to enroll for, stand for.
Q Are these five all under 21 years of age?
A No, sir, my baby boy is about ten years old, and then my oldest boy is gone to the war, he is about 30 I guess.
Q Now, you apply for yourself and three children? A Yes, sir.
Q How long have you lived in the Cherokee nation?
A Lived in the Cherokee Nation all my life, backwards and forth in the time of the war, I was with my owners on Red river.
Q You were a slave were you when the war came on? A Yes, sir.
Q To whom did you belong? A Joe Beck.
Q Was he a well know Cherokee citizen? A Yes, sir.
Q Where did he live? A He lived about six or seven miles of Hilderbrand's Mill, I don't know what district that would be.
Q You went out with him duringthe war did you? A Yes, sir.
Q What time did you come back? A We come back in time, '66, at the time Johnson Thomas, Gus Buffington and Jeff Sutton and all of them.
Q Have you lived in the Cherokee Nation ever since you came back in 1866? A Yes, sir, I guess I have out and work and back.
Q Give me the name of your father? A Jim Beck.
Q Is he dead? A Yes, sir, he is dead.
Q How long has he been dead? A I could not tell, he died just before the colored payment over here.
Q Died just before the Kern-Clifton payment? A Yes, sir.
Q Give me the name of your mother? A Lettie Beck.
Q Is she dead? A Yes, sir, she died before the war, when I was a little girl.
Q Did you go out during the war with your father? A No, sir, I went with my Master, Frank Beck, my father stayed here in the Nation all the time of the war.
Q Did your father stay in the Nation from the war down until he died? A Yes, sir.
Q How many times have you been married? A I have been married twice.
Q Give me the name of your first husband? A Allen Hill was my first husband.
Q What is his full name? A Allen Hill.
Q When did you marry him? A I could not just tell, it has been about close on to 30 years, my oldest boy is about 30 years old.
Q Was he a full blood Cherokee? A Yes, sir, he is a full blood Cherokee man, didn't abide and fight only just through by me.
Q When did he die? A He died about 30 years ago.
Q How long he lived the other about five years or such as matter?
A Yes, sir, we lived together longer than five years, I got three children by him.
Q Did you live with him from the time you married him until he died?
A Yes, sir, we did to his death.

Q Well, give me the name of your second husband? A Sim Welch was my second husband.
Q Is he dead or all ve? A He is dead.
Q How long has he been dead A I guess he has been dead about ten years, but I wasn't living with him when he died; he married another woman.
Q Well, have you any children b Sim Welch? A Yes, sir; thi s little boy I had four children by him but three died.
Q All four of them dead? A No, sir, two of them is dead, Peggie and Frank is living.
Q About how long since you and Sim Welch married? A It has been about 15 or 16 years ago, I guess.
Q Was he a state man or Cherokee? A Yes, sir, he is a stat e man.
Q How you have married since e Sim Welch died? A No, sir, I haven't got any husband.
Q Well, then your name is really Welch; di you live with Welch until he died? A No, sir, we separated.
Q Did you take your name of Hill since you and he parted?
A Yes, sir, I always kept my old name, that is the name I always called by.
Q Have you any certificate of marriag e to your first husband, Hill?
A No, sir, we was just married by the preacher, Uncle Nathan Tyner.
Q Now, give me the names of these three children that you apply for; first give me the name of the child you apply for in the army?
A James Hill; you said to enroll him as Hill; we call him Bud.
Q I want to know the child's lawful name? A James Hill.
Q How old is James Hill? A He is close on to 20, my eldest child
Q You say he is in the army? A Yes, sir.
Q Where is he? A I don't know; he enlisted down below and I was living here at Nowata when he was gone.
Q Do you know what Regi ment he is in? A No, sir, I don't; I guess Henry Frank Brown, he says he gets letter from him out there.
Q Now, give me the name of the next child you apply for?
A Frank Welch, that is Welch's child.
Q How old is Frank Welch? A He i s going on twelve years old.
Q Now, the next child? A Lewis Welch.
Q How old is Lewis? A He is about 18 I guess.
Q Is your son, James married? A Yes, sir.
Q Where is his wife? A Tahlequah.
Q Have any children? A No, sir.
Q Well, she will have to apply for her husband? A She sent me word to apply for him here.
Q Is she a Shoc Cherok of what? A No, she is a Cherokee Freedman.
Q Now, Lewis is older than Frank? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Your son James is living so far as you know? A Yes, sir, I ain't heard from him since last September.

The last Authenticated Roll of Freedmen of the Cherokee Nation is examined and name of applicants found thereon as follows:
Page 612, [illegible], Lucy Hill, Illinois District.
Page 612, [illegible], Harrison Hill, Illinois District.

Q Is James called by your name except James? A James Harrison.

The Supplemental roll of Freedmen of the Cherokee Nation is examined and names of applicants found thereon as follows:
Page 112, [illegible], Lucy Hill, Illinois District.
Page 112, [illegible], Frank Hill, Illinois District.
Page 112, [illegible], Lewis Hill, Illinois District.
Page 112, [illegible], Harrison Hill, Illinois District.

Lucy Hill, et al.--S.

Q Is there somebody here now knows about you being married to this man Hill and knows you were a Beck in your young days?
A Yes, sir, my stepmother knows.
Q Where is she? A She is here.

JENNIE BECK, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Jennie Beck.
Q How old are you? A I could not tell, I don't know.
Q Well, come as near as you can? A My age is down but I can't tell.
Q I don't know it? A I don't.
Q Are you 65 years old? A Yes, sir, I spect I am.
Q Do you know the applicant here, Lucy Hill? A Yes, sir.
Q How long have you known her? A I have known her ever since she was a little girl.
Q What was her name when was was a little thing? A Lucy Beck.
Q What was the name of her first husband? A I wasn't acquainted with her first husband.
Q Well, what name did she go by before she married her last husband? A Lucy Hill.
Q What was the name of the last man she lived with? A Welch.
Q Well, has she got any children by that first husband, Hill?
A Yes, sir.
Q What are their names, do you remember? A Bud, Webb Hill, Nath Hill.
Q Is Bud the one they call James Harrison? A Yes, sir, I guess so, they nicknamed him.
Q You just know him as Bud do you? A Yes, sir.

LUCY HILL, the applicant, recalled:

Q Now, these two younger children, their father's name was Welch?
A Yes, sir.
Q Not you had them enrolled as Beck? A Yes, sir.
Q Now, we want to enroll them under their present lawful name, put them down then as Frank and Lewis Welch? A Yes, sir.
Q Now, your son James? A He is a Hill.
Q You had him put down as a Beck? A Yes, sir.
Q Now, do you want him put down as James Harrison, James H?
A Yes, sir.
Q Harrison is a part of his real name? A Yes, sir.
Q Where have you been at work outside of the Cherokee Nation?
A I have been to Goffayville and worked out, I was working in Fort Smith.
Q How long did you stay up there and work at one time?
A I guess it would be a [illegible] there sometimes one or three months but then my intent was always here in the Nation and I worked there; I was just a small girl; my father let me go there with my sister to be confined.
Q Where your children born? A Born in the Cherokee Nation.
Q You only went out on short trips? A Yes, sir, that is all.

[illegible] The applicant applies for the enrollment of herself and three children. She is identified on the roll of 1880 and on the Kendrick roll, her husband being purchased given upon the Dawes roll. She has lived continuously in the Cherokee Nation all her life except during the period of her [illegible], and was a citizen of a Cherokee citizen at the [illegible] and is entitled to enrollment.

tained of her having returned within the period described by by the treaty of 1866. She will hey be listed for enrollment as a Cherokee Freedman. The applicant's change of name arising from marriage is established in a satisfactory manner. She will be listed hey under the name of Lucy Hill, that being according to the testimony her lawful name at this time. Her eldest child is identified on the roll of 1880 and on the Kern-Clifton roll where he was enrolled under the applicant's maiden name of Beck. It is shown that the lawful name ofthis child is James H. Hill. He is 30 year of age and is said to be a soldier in the United States army; he is said to be married but it appears that his wife has not applied for him. He will hey be listed for enrollment as a Cherokee Freedman on a doubtful card for further identifiification as respects his military status. The two younger children, Lewis and Frank Welch, are shown to be the applicant's children by her second husbang, or rather by the man with whom she lived some year, but she states that they were never lawfully married. These children are identified on the Kern-Clifton roll with the applicant under her maiden name. They are now living and they will be listed for enrollment as Cherokee Freedmen under their proper names viz: Lewis and Frank Welch.

LUCY HILL recalled:

Q Now, what is the name of the wife of your son James? A Mary.
Q Is she a state woman or Cherokee freedman? A No, sir, she is a Cherokee Freedman.
Q She is living at Tahlequah is she? A Yes, sir, living right in Tahlequah.

Com'r Breckinridge: It is found upon examination that the wife of this man, James H. Hill, applied for enrollment at Fort Gibson, April 8th, 1901, and was only listed for enrollment as a Cherokee Freedman. Her card is Cherokee Freedman 8218, and there at the same time she had listed for enrollment with her a niece, Mary Crinkett. There appears to be no child of this marriage, and a note will be made on the card of Mary Hill, referring to the enrollment of her husband as he is mentioned in her page and not accounted for.

HENRY PACK, being sworn and examined by Commissioner C. R Breckinridge, testified as follows:

Q Give your name? A Henry Pack.
Q What is your post office? A Tahlequah.
Q Do you know that Regiment this young man, James H. Hill, they call Bud Hill, is in? A Yes, sir.
Q What is it? A 24th Infantry, Company D.
Q Colored Infantry? A Yes, sir.
Q Where is he stationed now? A Philippine Islands.

I, do hereby, being first duly sworn, state that the foregoing testimony in the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the proceedings taken thereof.

Subscribed and sworn to before me this day, and year

Commissioner

F 1014

Marriage Certificate.

Allen Hill

TO

Lucy Beck

Genealogical Publishing Service, Post Office Box

CERTIFICATE OF MARRIAGE.

Asahel Beck, Judge of the Probate Court in Bourbon County Kansas Do Hereby Certify that I

SOLEMNIZED THE MARRIAGE

of Allen Hill and Luey Beck

at my office in Fort Scott, on the 10th day of August 1862

Asahel Beck

Probate Judge

State of Kansas, } ss
BOURBON COUNTY.

PROBATE COURT.

I Hereby Certify, That the above is a true copy of the Marriage Certificate of

Allen Hill to Luey Beck

as appears of Record in my office, Recorded in Book "A-B" Page 271 of Marriage Record

IN WITNESS WHEREOF I Frederick Scott Probate Judge

and ex officio Clerk of said Court, have hereunto set my hand and

seal of said Probate Court this 24th day

of March A.D. 1912

Frederick Scott
Probate Judge

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.D-747

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, December 9, 1903.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Tahlequah, Indian Territory.

Gentlemen:

Mary Hill, the wife of James H. Hill who is an applicant for enrollment as a Cherokee freedman and listed upon Cherokee card F.D-747, has this day been notified to appear at the Cherokee Land Office of this Commission at Tahlequah, on December 22, 1903, for the purpose of giving further testimony as to the residence in the Cherokee Nation of said James H. Hill.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

KPM

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH, SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-747.

Muskogee, Indian Territory, January 9, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lucy Hill for the enrollment of James H. Hill as a Cherokee freedman, you are advised that further testimony is required as to the residence of James H. Hill from 1880 up to the time of his enlistment in the United States army.

James H. Hill has therefore been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, February 11, 1904, at nine o'clock A. M., and introduce testimony covering the points above mentioned.

The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal.

Respectfully,

Commissioner in Charge.

Cher. Fr. D-748

Cher. Fr. D-748

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of William Rowe for the enrollment of himself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee nation.

Q What is your name? A William Rowe.
Q How old are you? A Must be about 50 I guess.
Q What is your post-office? A Wagner.
Q What district do you live in? A Coweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have gotnine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q What is your mother's name? A Harriett Rowe.
Q Is she living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A On the Delaware roll.
Q You say you have never been married? A No sir.
Q And gotnine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, that is the first one named? A Luberthe.
Q Luberthe, 18, is it one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Ben.
Q Ben is about 12 is she? A Yes sir.
Q And what is the name of the next one, Harry? A Harry, seven years old.
Q Did you live on what is known as the Strip prior to 1889? A No sir.
Q Where were you born? A Born in the nation here.
Q These children all born in the nation? A All but the eldest one.
Q Was she born in slavery? A Yes sir.
Q Who did you belong to? A Lewis Rowe.
Q Was he a Cherokee? A Yes sir.
Q Lewis Rowe was a Cherokee by blood? A Yes sir.
Q Were you taken out of the nation during the war by Lewis Rowe and his family? A Yes sir.
Q Did you stay out in Texas?
Q How old were you when you left the nation? A 20.
Q You did not go with your father and brothers?
Q Where have you been living in the nation since you came back? A Yes sir.
Q Are you married? A Yes sir, married to a Delaware.
Q Was your wife born in the nation? A Yes sir.
Q Was she a citizen of the Cherokee nation? A Yes sir.
Q Where did you live when you were married? A Where I live now, I have always lived in the Cherokee nation.

Delilah Rowe et al #

Q Where? A At the old Asylum to my old boss's place on Grand river.
Q How far from vinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.
BY MR. CASTERS:
Q How old are you now? A Must be about 50, I don't know my age exact.
Q What was your father's name? A Daniel Rowe.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At what place? A At Humboldt.
Q You came down here then from Humboldt Kansas? A No sir, mother died when we first went up there.
Q Was your father in the army? A Belonged to the militia.
Q What place in Kansas did you come from when you came down here? A Ft. Scott.
Q What were you doing up at Ft. Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes sir, the oldest one.
Q Born in Ft. Scott? A Born in the neighborhood there; we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were like you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown man and got children.
Q What's his name now? A Eddie.
Q How old is Eddie? A He must be something near 36 years old I reckon; that's way we put it down.
Q You applied for Eddie before the Commission didn't you? A Yes sir.
Q ~~[illegible]~~ You remember that you gave his age in at that time? A No sir, I don't.
Q You remember whether or not you give his age in as 22? A Oh he must have been 22.
Q Do you remember whether you gave his age in as that or not? A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was something over 2 months old.
Q Where was he born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man sitting over there? (Indicating) A Yes sir.
Q He was living there on Big Creek when you came? A [illegible] don't remember seeing him.
Q How far did you live from him? A The place must be about 6 miles around from that place.
Q You say he was not living there? A I never saw him.
Q How long was it after you got there until you got married? A I don't know how long it was.
Q [illegible] there when you went there? A Yes sir.
Q Did Peter Rowe have a house when you came there? A Yes sir, they built log houses.
Q Did they have a large house of rooms? A [illegible]
Q Did Albert Morris live there? A [illegible]
Q Did you hear Peter Rowe say to him [illegible]
[illegible]

Delilah Rowe et al 8

Q Where is your son Eddie? A He is here so [illegible] where.
Q Was he tried in the United States Court at Ft. Smith? A Yes sir, you know all about it.
Q Convicted? A Yes sir.
Q What was he convicted of? A I told you that once, he was accused of [illegible] concealing stolen property.
Q Who did the property belong to? A I didn't know, I don't remember.
Q You said before it belonged to William Martin didn't you? A Never said any such a thing, no sir.
Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember, [illegible] who it was now/ I don't know no William Martin, old Bill Martin?
A Yes. A No sir, I didn't state that.
Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it:
Q How far did you locate from Coffeyville? A We call it 16 mile from [illegible] our house to Coffeyville.
Q Who were your [illegible] neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike and Mart Whitmire, and old Andy Daugherty, there was a good many of them.
Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.
Q You came straight out from Kansas there? A Yes sir, we came straight out from Kansas with my father.
Q Down there? A Yes sir.
Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.
Q Are you any kin to him? A No sir.
Q Was it the spring of the year or the summer or what time of the year? A It was in the fall, getting cool.
Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.
Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe; George died at thirty children at all.
Q How much older than George is Eddie? A There is one dead between them.
Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.
Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.
Q Well what is the difference between George's age and Bell's age? A Bell is 27 [illegible] and George ought to be 30 I reckon.
Q Well you gave the difference between Bell's and George's age, why don't you give the difference between George's and Eddie's age? A Well I say there is one between them children, that's dead.
Q Well can't you tell how much older than George Eddie is? A Well I guess not, [illegible] very well.
Q You raised Daughter didn't you? A Yes, I raised them right here on Big Creek.
Q Well now tell us how much older than George Eddie is? A [illegible] like five years I guess.
Q [illegible]
Q [illegible]
Q [illegible] A [illegible] around to [illegible] and dogs.
Q [illegible]

Q About Christmas time was it? A Yes sir, something near Christmas time.
Q You know William Noble? A Yes, I know Bill Noble.
Q How far did he live from you at that time? A About eight miles.
Q you have lived there ever since have you? A Yes sir.
Q Old man Nelson Morrell living there at that time? A He lived up on Snow Creek.
Q How far from you? A About 12 miles.
Q Was he living up there when you moved up there? A I dont know, we never scattered out nowhere.
Q What were your nearest neighbors then? A Phillis Whitmire and Hart Whitmire and uncle Andy Daugherty.
Q How far did you live from uncle Andy Daugherty? A Something over two miles.

BY MR. SMITH:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.
Q Eddie what? A We some times call him Eddie Watkins, they mostly go by my name, Rowe.
Q How the next one? A George Ward; he didnt with me though.
Q Well the next one? A Bell Tyler.
Q Well the next one? A Fred Thompson.
Q Any others? A Hattie.
Q Any others? A Lubenskh.
Q Well that brings you down to the ones you have here this morning? A Yes sir.

BY COMMISSIONER:

Q Do you want the children enrolled as Rowe? A Yes sir, they have always went by that name.

MOSE RILEY, having sworn and examined by Commissioner, testified as follows:

BY MR. SMITH:

Q State your name? A Mose Riley.
Q Where do you live? A Checotah.
Q Is that your post-office? A Yes sir.
Q How long have that been your post-office? A Between 20 and 2 years.
Q You know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A Known her every since she was a young girl.
Q Did you know her to be the wife of [illegible]? A Yes sir.
Q Was she a child? A Yes sir, she was a child of Lewis Rose.
Q Was Lewis Rose a Cherokee Indian? A Yes sir.
Q Well, where did Lewis Rose live when she was born? A At Old Spring. There was two named Orpheus Rose's son.
Q Is that the [illegible]? A Yes sir.
Q [illegible] A I don't know sir exactly, they was right there on [illegible].
Q Who did you think was her father [illegible]? A It was Lewis Rose, [illegible] of her mother, but [illegible] that is her father.
Q Was she [illegible]? A Lewis Rose.
Q [illegible] A [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

saw her after.
Q How long after? A It must have been a couple ofmonths, anyhow, somewhere long about that time, in the winter.
Q Can you state what time in the fall of '88 you came back, how long before Christmas? A I ~~went~~ went up directly after we came down, directly after laying by corn, and got back just as soon as we could get back , wasn't there very long.
Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.
Q You think it was about how long you say before you saw her after you go back? A I don't think it was over two months, I don't think it was.
Q Do you know where she is living now? A Yes sir.
Q Where? A She is living about three quarters of a mile west of Wire, Indian Territory.
Q How long has she been living there? A She has been living there for years, I don't know sir, ever since she was a young woman.
BY MR. HASTINGS:
Q Rose, you have already applied for enrollment yourself haven't you? A Yes sir.
Q You have been put upon a doubtful card? A I suppose so, yes sir.
Q Your father's name was Riley McAir? A Yes sir.
Q Your father came down to the Choctaw Nation before you didn't he? A Yes sir.
Q He made a crop on the old McAir place? A Yes sir.
Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we came down in the fall.
Q Rose, have you ever had any occasion to specially remember for 35 years just seeing this woman, or any other woman? A No sir, only seeing the colored people after we came back.
Q You saw this woman quite a time after you came back? A Yes sir.
Q That was over on Grand river? A Yes sir.
Q Now how far is Grand river from Big creek? A I don't know sir, it must be maybe 20 or 30 miles, somewhere along there, I don't know just how far.
Q How many crops, after you came back yourself, did your family make on the McAir place? A Two.
Q You made two crops then you moved to Pryor Creek, did you? A Yes sir.
Q What time in October did you move to Pryor Creek? A Let me correct that, father made one and we made one, but in all it was we made.
Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved on Pryor Creek? A Yes sir.
Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it, the fall after you made your crop yourself? A We commenced moving in the winter and we got right down to work until the crop was laid by.
Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors. Who then we went to.
Q Well, he moved to the place you lived over the old creek?
A Yes sir. Thompson, he finally lived there at that one place, the place where the old
Q You don't exactly know to testify for sure I guess you don't
A No sir.
Q How long after you moved to Pryor Creek did you go back to Big creek? A I saw my [illegible] there [illegible]
Q You don't exactly know to testify just exactly how long [illegible]
A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.
Q Good many people were coming back at about that time? A Oh yes sir. They were coming occasionally.
Q You had no more reason to remember this woman than any other colored person that was coming back to the nation did you? A No more than I went up there frequently; I lived right there.
Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 13 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

BY COM'R NEEDLES:

Q Does Big Creek run into Grand river? A No sir.
Q Big Creek runs into the verdigris? A Yes sir.
Q You stated it was 35 or 40 miles from Big Creek to Grand river? A Yes sir, it is.
Q Well to that points, -well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:

BY MR. SMITH:

Q State your name? A Jim Alberty.
Q How old are you? A Near 70 years old.
Q What is your post-office? A Chouteau.
Q How long have you lived in the Cherokee nation? A 70 years.
Q Do you know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A I have known her ever from a small child.
Q Was she a slave before the war? A She was born a slave.
Q Whose slave was she? A Lewis Rowe.
Q Was Lewis Rowe a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Over here where this Orphan Asylum is.
Q In what nation? A On Grand river. In the Cherokee nation.
Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right close to her old home, came there and visited her daddy and her with him.
Q Who was with her? A Her daddy, Daniel Rowe.
Q Where was that you saw her? A In the Cherokee nation, on Grand river.
Q When was it? A It was in '66.
Q You know about what time of the year? A Yes sir.
Q What time? A It was in the fall, as well as I can recollect.

BY MR. WARNER:

Q What time in the fall was that you? A I don't know exactly, what time it was. It was in the fall of the year though.
Q You don't remember the month? A No sir, I don't know the month.
Q You just happened to run across her father coming up there? A Yes sir, I was hunting a horse, came Indian trails from Rowe's part here.
Q Where was he at that time? A He was camping here by his old master's [illegible] here.
Q On on Grand river? A Yes sir.
Q Was close to the Orphan Asylum? A Right there.
Q Right at the Orphan Asylum? A Yes sir.
Q Was that Orphan asylum there? A No sir, nothing there.
Q Was it long ago? A Yes sir.
Q Did you see this woman Delilah Rowe the old? A Saw a girl there, [illegible] the child there.
Q How could you know and why do you? A I [illegible]
[illegible] and [illegible] along that [illegible]

Delilah Rowe et al 7

Q Stay all night there? A No sir, [redacted]
Q Stopped there an hour or two? A Yes sir, and eat.
Q Did you have notice her there particularly? A Yes sir.
Q She have any children there then? A I think she had one child; there was a child there and I knowed Daniel's wife was too old to have one and I took it to be hers.
Q Was it a boy or a girl? A It was a girl, I think, it was so little, it had a dress on, I don't know what it was exactly.
Q Old enough to talk? A No sir.
Q Walk? A It could stand up by a chair if it had it, it could stand alone.
Q You remember that do you? A Yes sir.
Q You don't know how long Dan had been down there camped? A No sir.
Q That was in the fall? A That was in the fall, to the best of my knowledge.
Q What year wasit we took the census before, the Ferra-Clifton?
A I don't know what year.
Q What year was it that Walkace took the census? A I can't tell you that, because I do not know.
Q What year is this jim? A Why you keep asking me something that I don't know, I don't know the years only if somebody tells me.
Q Who told you about this other year? A 68?
Q Yes? A Lord a Mercy, all the Indians would tell me that.
Q What year wasit you drew this last money? A That's the same question; I can't answer it. I don't know.
Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.
Q When did you next see this woman? A I saw her there that same fall here on Big Creek.
Q She living in a house up there? A Yes sir. Little pole house.
Q That was before Christmas was it? A I don't know now exactly; but it was the same fall.
Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.
Q But you saw her up there that fall? A Yes sir.
Q How far was she living from Power Ward at that time? A I guess it was 8 miles.
Q You knew Power Ward then? A Yes sir.
Q He was living up there was he? A Yes sir, he came there before I built my house up there.
Q How long before the war was it you saw this woman? A Before the war?
Q Yes? A This wasn't no woman before the war.
Q Well this girl, she be a woman now? A I can't tell, I never noticed children.
Q How far did you live from there? A I lived about 12 miles.
Q From be at? A From Lewis Knob.
Q You remember pretty lively to dig down her before the war?
A Yes sir, seen her along she was a child.
Q You can't know how many years to be to the war? A No sir
Q That is a number of years? A No, I don't think it was a great number.
Q About how long do you reckon it was before the war? A I don't reckon it was more than a year before the war that I first saw that child.
Q Did you engage in the war? A Yes sir.
Q What? A Union.
Q Federal? A Yes sir.
Q Who did you belong to when the war was on? A Some like my.
Q Are you the same Delilah Rowe the Lil Ray Rowe that said?

to a white man near Little Rock,- he testified in your case?
A He is the man that testified that I was sold out down there.
Q Down near Little Rock? A Yes sir.
Q You enlisted in the army at Little Rock? A Yes sir.
MR. SMITH: I object to that, because Mr. Lindsey didn't testify he was sold out, he testified to what John Alberty told him.

1899 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.
Kem-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2877 Delilah Rowe, Goweseecowee District
page 138 #2882 Louritha Rowe, Goweseecowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name notfound. Also examined for Daniel and Eva and names not found.
APPLICANT RECALLED, and further examined, by COM'R MEADES:
Q Did Sophia go by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
Q Well she must apply for herself if she is married, is Lubertha married? A No sir.
Q Did you draw checks known as Strip moneyunder the Kem-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophie, I understand she is married? A Yes sir.
Q Who to? A William Whitaire, and Hattie is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Meades: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kem-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit; Lubertha, Daniel, Eva and Harvey; the name of Sophia is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any of the rolls of the Cherokee Nation; the applicant says that she was a slave; as to her citizenship reference is made to the testimony; she makes satisfactory proof as to her age, and accordingly, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as Cherokee freedmen; in a doubtful case it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation; if they be in the possession of this Commission, the applicant will be duly notified by mail as to the decision of the Commission in the premises.

[illegible]

File with Cherokee Freedman D-748, Delilah Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.

Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, location.

Q Why do you say he came first, was there any circumstance?

A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them anyway that make you fix the time or even know them earlier, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.

Q What place are you speaking about that he left? A I thought I told you on Mr. Davis' place. I don't know of his living on any other place after I got acquainted with him.

Q Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there all the close of the war if not as good as a year afterwards.

Q Was they living alone? A Always spoke of them as the family.

Q Well, how long was that? A That was about in '67, in '68 or '69 he moved down here. He left the same year as I did

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you got down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes commission to come here and testify?

Mr. Davenport I object to that mode of examination. If the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that: you didn't have any subpoena from the Dawes commission to come here and testify? A I don't know anything now about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q That was the date that the child that you fix this date by was born on? A June 24.

Q That year? A Yes.

Q When was the next one born? A It was October 28.

Q What year? A I forget the year now, it is recorded in my Bible, it was October 28, I forget the year.

Q How much older was the first child than the second one? A My boy? 7 years older; let's see, I can't tell that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 28, and I forget the date of the year now, but my oldest, I have that, they are with my record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '67? A After this last one, 28, sir.

Q The next one, not the youngest, the last one? A The one that died, it wasn't more than 2 years between the one that died and this one, one telling you that I have the date of, October 28, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 25.

Q What year? A That was in '63.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~xxxxx~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me: '57, the month of my oldest child, it is dead, she was born August 28 of 1867, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long thought A They came there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that easthe first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a young, she got to be a grown woman because her child was born there because I am the one that took care of her.

Q This my Delilah was a little girl when she came there? A Well, a small girl.

Q And she always away? A She was young when her father.

Q When was that, if you? A I think it was in '70.

Q And she was a little girl when she came there? A When her father moved on the place there.

Q When was he moving after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there: is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work: of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman? A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, It wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time. you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you: you have got it wrong: didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.--

Q You don't know whether it was the first part or the last part? A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66, you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis goodbye. The child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born around to be the latter part of the winter or spring.

Q Latter part of the winter or spring of what, '66? A Yes, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The fall of 1866, June.

Q How old does a child have to be by there before it is old enough to walk? A They generally call somewhere around of a year. I would allow a child a year. I did not be [illegible] where he [illegible] [illegible] Mr. Davis, and if he [illegible] I said [illegible] I said [illegible] I told you that he. Davis moved down first and wrote to my [illegible]

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it. He couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you speak of Mr. Rowe having read by your husband in your possession? A No, I guess not. Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-748, D-750, D-752, D-807, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-443.

Witnesses.

Bruce C. Jones, being duly sworn, says that he stenographer to the Commission of the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of October, 1901.

Commissioner.

Freed D 890

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of FANNY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 458, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Delila Rae, D 748;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant whose the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases where named with the exception of those in which the pertaining of the testimony heretofore granted by judge Gill of the United States Court, of the Northern District, Indian Territory.

X-E Smith:

The applicant further moves that as to the above named cases pertaining the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file copy of the proof of any or all of the cases other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. S. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. S. Foster,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe et al., as Cherokee freedmen, consolidating the applications of

Delilah Rowe et al	Cherokee Freedmen D	748
Hattie Thornton	Cherokee Freedmen D	749
Eddie Rowe	Cherokee Freedmen D	750
Fred Rowe	Cherokee Freedmen D	837
Nelle Rowe	Cherokee Freedmen D	1118

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Delilah Rowe for herself and her minor children, Lotharthy, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Nelle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion. She testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward et al., Cherokee Freedmen D 418, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified in the decree of the Court of Claims rendered on February 8, 1896, in the case of Bowen Thornton, Trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation. This circumstance, taken in connection with the other evidence in the case not being sufficient claim, is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree.

It further appears that all the other applicants herein were born prior to the commencement of the rebellion, and that they are the descendants of Delilah Rowe claiming right to enrollment through her as such descendants. Many of the names of the principal persons on the rolls, as shown by the evidence or by other records of the Commission, as well as the surnames of certain of the applicants herein, are found on the 1880 authenticated Cherokee roll, namely:

Andrew Thompson, Robert [illegible], Harold and Fred Rowe, Sam Ward, Samuel and Ann Ward, Sam Ward, Robert and Ann Ward, Sarah Ward, Ann Ward, Robert [illegible]

Thornton; Boliver Wadkins, father of Eddie Rowe; and John Tyler, father of Belle Rowe; and an examination of the records of the Commission shows that none of the said persons have ever made application to this Commission for enrollment as Cherokee freedmen, and in the absence of any evidence showing that they, or either of them, have any rights to enrollment as Cherokee freedman, it is considered that they possessed no such rights. Hence all the applicants herein claiming through Delilah Rowe have no other rights to enrollment except as her descendants.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Delilah Rowe, Loubertha Rowe, Daniel Rowe, Eva Rowe, Harvey Rowe, Hattie Thornton, Eddie Rowe, Fred Rowe and Belle Rowe as Cherokee freedmen should be denied, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby Chairman.

(signed) T. B. Needles Commissioner.

(signed) C.R.Breckinridge Commissioner.

(signed) W. E. Stanley Commissioner.

Muskogee, Indian Territory,

this Mar 11 1904.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe et al., as Cherokee Freedmen, consolidating the applications of

Delilah Rowe et al.,	Cherokee Freedmen D 748.
Hattie Thornton,	Cherokee Freedmen D 749.
Eddie Rowe	Cherokee Freedmen D 750.
Fred Rowe	Cherokee Freedmen D 837.
Belle Rowe	Cherokee Freedmen D 1116.

MOTION FOR REHEARING

The record herein shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Delilah Rowe for herself and her minor children, Lowderine, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee Citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion; and that all of the other applicants were born since the commencement of the rebellion and are the descendants of Delilah Rowe, claiming right to enrollment through her as such descendants.

The Applicants now move the Department to remand this case to the Commission to the Five Civilized Tribes for rehearing and to reconsider its decision affirming the Commission's decision of March 21, 1906 and grant the applicants an opportunity to prove that Delilah Rowe left Kansas in the fall of 1866 with her children and came to the Cherokee Nation, built herself and established her residence thereon, and that she died in the Cherokee Nation and [illegible] since the fall of [illegible].

By reason of the previous [illegible] of the list of [illegible] approved April 21, 1906 allowing applicants to prove that she left [illegible] and that she came back to the Nation [illegible] rebellion and [illegible]

ask leave for permission to file affidavits in support of same within a reasonable time.

The applicants have the following witnesses by which they expect to prove that Delilah Rowe came to the Cherokee Nation and established her residence therein prior to February 11, 1867, to-wit:

By Ed. Young of Lynn County Kansas, applicants expect to prove that said Young has lived since the fall of 1866 with in one-half mile of the Thomas Hamilton place, which is the place shown by the record in this case to have been the place where the Cherokee Nation contends that Delilah Rowe lived when she was in Kansas. The applicant expects to prove by said witness that, when witness moved to his Home within one-half mile of this place in November, 1866, that Delilah Rowe nor her father were not then living there and that they had at that time gone to the Cherokee Nation, Indian Territory; and that neither Delilah Rowe nor her father have lived in that community since the fall of 1866; that the witness 's well acquainted in that community and was well acquainted there during the winter of 1866 and the Spring of 1867 and know that neither the applicant nor her father lived there then.

By N. T. Young applicants expect to prove that N. T. Young lives on the farm which joins the Tom Hamilton farm, same being the farm that Daniel Rowe and his daughter, Delilah Rowe, lived on while in Kansas; that the witness has lived on the farm joining said farm si nce the 15th day of November, 1866 and that neither Daniel Rowe nor his daughter, Delilah Rowe, has ever lived in that vicinity since the witness came to said place on November 15, 1866; and that the said Daniel Rowe and his daughter, Delilah Rowe, had gone to the Cherokee Nati on prior to the time the witness came on to said place.

By Rank Davis of Lynn County, Kansas, applicants expect to prove that Rank Davis was well acquainted with Delilah Rowe and Daniel Rowe, her father; that at the close of the Civil War he lived in the same community where they lived; and that he knows that they left this community and went to the Cherokee Nation, Indian Territory in the year of 1864 and never lived in Kansas after the year of 1864.

By Theodore Davis applicants expect to prove that witness was well acquainted with applicant, Delilah Rowe, and her father, Daniel Rowe, after the close of the Civil War; that wi tness lived in the same community that they lived in in Kansas; and that witness knows that Daniel Rowe and his daughter, Delilah Rowe, left that community in 1866 and went to the Cherokee Nation, Indian Territory.

By Isaac Shields of Franklin County, Kansas applicants expect to prove that witness went from Leavenworth, Kansas to Mapleton Kansas in 1865 and lived around Mapleton for a number of years thereafter; that he was well acquainted with Delilah Rowe and her father, Daniel Rowe; and that witness knows that both Delilah Rowe and her father, Daniel Rowe, left Mapleton in the fall of 1866 and went to the Cherokee Nation, Indian Territory.

By M. Wilson applicants expect to prove that witness lived near Mapleton, Kansas in th e fall of 1866 and he knows that Delilah Rowe and her father, Daniel Rowe, left there and went to the Cherokee Nation, Indian Territory and was never seen back around Mapleton, Kansas at any time thereafter.

Applicants have other witnesses by whom they expect to prove the same statement of facts.

Sam F. Patton

ATTORNEY FOR APPLICANTS.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
CHEROKEE NATION } ss.

J. C. Crump, of lawful age, being first duly sworn, on his oath states that he is one of the attorneys for applicants in the above entitled case and that this motion is made in good faith and for the purpose of delay, but in order that justice may be served.

[illegible]

Subscribed and sworn to before me this 12th day of [illegible], A. D. [illegible]

[illegible]

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY } SS.
WESTERN DISTRICT)

On this 20th day of June, A. D.,1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, EDDIE ROWE, of lawful age, who being first duly sworn, on his oath deposes and says that he is one of the applicants in the Consolidated Cases of Delilah Rowe et al, Cherokee Freedmen; that this Motion for a rehearing is made in good faith and not for the purposes of delay but in order that justice may be done; that at the former trial of this case he did not know of the existence of the testimony in Kansas which is set out in the foregoing Motion, nor did he know of the existence of the Testimony of the witnesses whose affidavits are attached to said Motion; that the same is all newly discovered and he believes it is material to his case; that by these witnesses he expects to prove the very point in issue, to-wit 'That his Mother returned to the Cherokee Nation and established her residence therein in the fall of the year of 1866'; that he made inquiry for this testimony at the former trial of this case but at that time was unable to find it; and that he has only learned that said testimony existed since the Decision was rendered adverse to him in this case.

Eddie Rowe

Subscribed and sworn to before me this 20th day of June, 1906.

[illegible]

(SEAL) NOTARY PUBLIC.

My commission expires December 1[illegible], 1908.

United States of America,
Indian Territory,
Northern District SS.

On this 13 Day of June, 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory MARIAN FRENCH to me personally well known, who being by me duly sworn on her oath deposes and says:

My Name is Mariah French, my age is 54 years and my Post Offi ce address is Lenapah, Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that she has lived in the Cherokee Nation continuously since February 11, 1867.

MARIAN FRENCH

Subscribed and sworn to before me this Thirteenth day of June, 1906.

[illegible]
Notary Public

(Seal)

My Com. expires Nov. 19th 1908.

United States of America,
Indian Territory,
Northern District SS.

On this 13th Day of June, 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory Stephen Little to me personally well known, who being by me duly sworn, on his oath deposes and says:

"My Name is Stephen Little, my age is 82 years and my Post Office address is Lenapah Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that she has lived in the Cherokee Nation continuously since February 11, 1867.

his
STEPHEN x LITTLE
mark

Witness to mark.
J. A. KIRBY

Subscribed and sworn to before me this Thirteenth day of June, 1906.

JOHN A. KIRBY
Notary Public.

(SEAL)

My Com. expires Nov. 19th 1908

United States of America,
Indian Territory,
Northern District SS.

On this 13 day of June/ 1906, personally appeared before me the undersigned Notary Public duly Commissioned and acting within and for the Northern District of the Indian Territory George Walton to me personally well known, who being by me duly sworn on his oath deposes and says:

"My name is George Walton, my age is 60 years and my Post Office address is Lempah, Indian Territory. I am acquainted with Delilah Rowe and was acquainted with her in the year of 1866. I know of my own knowledge that she removed to and established her residence in the Cherokee Nation Indian Territory after the close of the war of the rebellion and before February 11, 1867. I saw her living in the Cherokee Nation before February 11, 1867 and I know that she had lived in the Cherokee Nation continuously since February 11, 1867.

[illegible]

Subscribed and sworn to before me this Thirteenth day of June, 1906.

[illegible]

(SEAL) Notary Public.

My Com. expires Nov. [illegible] 1908

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT)

On this 3 day of August, 1906, personally appeared before me, the undersigned Notary Public within and for the Northern District of the Indian Territory, DELILAH ROWE, of lawful age, who being first duly sworn, on her oath deposes and says that she is the principal applicant in this consolidated case; that this Motion for a rehearing is made in good faith and not for the purposes of delay but in order that justice might be done. At the former trial of this cause I did not know of the existence of the testimony in Kansas which is set out in my original Motion, nor did I know of the existence of the testimony of the witnesses whose affidavits are attached to said Motion; that the same is newly discovered and I believe is material to my case; that by these witnesses I expect to prove the very point in issue in my case, that I returned to the Cherokee Nation and established my residence therein in the fall of the year of 1866. I made inquiry and searched all that it was possible for me to do at the former trial of this case but at that time I was unable to find this testimony, and I have only learned of this testimony within the past few months and have found it since the Decision adverse to me was rendered in this case.

Wherefore, I pray that my case be remanded and that I be granted a rehearing.

(Signed) Delilah Rowe

Subscribed and sworn to before me this 3 day of August, 1906

W. F. [illegible]

NOTARY PUBLIC.

My commission expires 11 Sept 1908.

F D. 748

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

....

~~by delivering a true copy thereof on the~~

....day of .... A. D. 190...

Given under my hand this ....

day of .... A. D. 190

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 2.. 1901, 190

Mellock & Snead

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to ....

on the day of A. D. 190

Subscribed and sworn to before me this ....

Notary Public

Proof of Service made and original filed with the DAWES COMMISSION.

SEP 24 1901

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Delilah Rowe
for enrollment as Cherokee citizens:
Case No. D 748
To Delilah Rowe or Mollette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell

M. M. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Delila Rowe, et al,

7448

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not altered or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

Possible in the petition, Aug. 11, 1906,

WHEREFORE, said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Blue & Bulger

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Tahlequah, I. T., this day of , 1906

SMITH, RAYNERS & DAVENPORT,
Attorneys for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Delilah Rowe, et al., as Cherokee freedmen, consolidating the applications of,

Delilah Rowe, et al.	Cherokee Freedmen D 746,
Hattie Cherokee	Cherokee Freedmen D 748,
Eddie Rowe	Cherokee Freedmen D 750,
Fred Rowe	Cherokee Freedmen D 257,
Belle Rowe	Cherokee Freedmen D 1118.

Reply of the Cherokee Nation.

The records in this case show that the principal applicant, Delilah Rowe, appeared before the Commission to the Five Civilized Tribes on June 12, 1901, at Muskogee, I. T., and made application for herself and her minor children and that the other applicants herein are her children or grandchildren for whom application was subsequently made to the Commission. The record further shows that they were represented by Ballotte & Smith when they first appeared before the Commission and that they examined the applicants and other witnesses and cross-examined the witnesses introduced on behalf of the Cherokee Nation. The record further shows that the Commission to the Five Civilized Tribes on March 11, 1904, rendered a decision rejecting all of the applicants herein which decision was signed by all of the members of the Commission. As to questions of fact the decision found:

"The evidence shows that the principal applicant Delilah Rowe was a citizen of a Cherokee citizen at the commencement of the Rebellion; that she left the Cherokee Nation and went to Texas during the war. She testified that upon her return to the said Nation after the Rebellion she found Peter Ward residing there. It has been found in the case of Ward [illegible], et al., Cherokee Freedmen D 1118, that he further stated that she return to and establish his residence in the Cherokee Nation until after the time specified in the decree of the Court of Claims rendered on [illegible] 1896. This circumstance taken in connection with the [illegible] the claim and under consideration is deemed to [illegible] the said Delilah Rowe did not return to the Cherokee Nation [illegible] the time specified in said decree."

This judgment of the Commission rejecting the applicant was affirmed by the Secretary of the Interior on October 24, 1904. Attorneys for applicants now file a motion for a rehearing and claim to discover new evidence and allege that it is alleged that they can prove certain facts by

certain witnesses whose names are given, which would tend to show that the applicants returned to the Cherokee Nation within the time prescribed by the treaty. There is noallegation in the motion of diligence, there is no reason assigned why the motion was not sooner made, in fact no showing that any effort was made except that Eddie Rowe in an attached affidavit states that he did not know of the existence of the testimony, but it certainly is not enough for one to say that they did not know of the existence of certain testimony, but it must be set up either in the motion or the attached affidavits what the applicants did, so as to permit the Department to pass upon the question as to whether or not any diligence was used by or on behalf of the applicants. It would not be sufficient for applicants to allege diligence, but they must allege the things done so that the Commissioner to the Five Civilized Tribes and the Department on review could pass upon the facts and say whether or not they constituted due diligence. There is also an affidavit of Mariah French attached, which is stereotyped. She is not a citizen heralef and was not living in the neighborhood of Lenapah in 1866. She is now only 84 years of age, and without some special reason for her remembering it, she could not recall forty years thereafter what happened when she was only fourteen years of age. The same is true of the next witness, Stephen Little. He is not a citizen of the Cherokee Nation and was not living in the Cherokee nation at the time he signs his name by ex mark, and he does not attempt to give details, but only states the effect of his testimony which is insufficient. He is thoroughly discredited in the case of Mary A. Riley, F. N. 987, wherein he was contradicted, this case being rejected by the Commission to the Five Civilized Tribes and affirmed by the Department, and he was also discredited in the case of Cynthia Rose, particularly before the Commissioner to the Five Civilized Tribes only a few days ago. They attempt to have the next colored man, George Walton, say: "I saw her living in the Cherokee Nation before February 11, 1867." He does not say where she lived. Certainly this affidavit gives no information. Tonight have an affidavit at all as well as to state the effect of the testimony, instead of details of the testimony, so as to

put the Cherokee Nation upon its guard as to what was intended to be introduced. Again, George Melton is only 50 years of age, and was born in 1856; he was therefore only 10 years of age in 1866, and it is highly incredible that he, an ignorant colored boy, would for forty years remember the exact date of the return of these applicants, particularly when there is nothing to impress it particularly upon his mind. As to the other witnesses they have no affidavits attached and we feel sure that the Department will not take the alleged statements into consideration in view of the ruling of the Department in the Celia Kirkpatrick case (I.T.D. 7744 and 7514-1904), wherein the Department held on January 19, 1905:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

We think this a good decision, but we think the Department should go further and hold that attorneys, if they are really in good faith, should be required to give all of the details about which the witness is expected to testify and fully set them forth in the affidavit attached. It can readily be seen by an inspection of these affidavits that the attorney for the Cherokee Nation is not advised as to what section of the Cherokee Nation it is claimed the applicants returned. The affidavits do not state with whom they returned, the affidavits do not state the time of the year they returned distinctly. It will be remembered that the Cherokee Nation is some 100 or 200 miles long and wide and no one upon these statements could go in search of testimony to refute them until after they are introduced upon the stand.

But lets examine the original testimony in this case with a view of seeing whether or not there is any merit in this motion for a rehearing and whether or not it was actually made in good faith. Delilah Rose in her original statement said that she was about 60 years of age, and that her postoffice was Tiney, and she testified that she returned to the Cherokee Nation with her father, Daniel Rose, and that she came to a section known as Big Creek, and she described a number of people who were living upon Big Creek when she came there, and, among others, Ellis Question and Sallie

"Q. Peter ward was living up there when you went there? A Yes sir.
"Q. Did Peter ward have a house when you came there? A Yes sir, they built log houses."

Now attention is invited to the fact that in the case of this Peter Ward, F. D. 613, the commission consolidated it with the Peter Hudson case F. D. 604, rejecting Peter Ward and all the members of his family, and this rejection was affirmed by the Secretary of the Interior. The testimony in the ward case was thoroughly convincing that he never left Mound City, Kansas, until the summer or fall of 1869. The Commission to the Five Civilized Tribes in its decision in this case refers to the fact that Delilah Rowe testifies that upon her return to the said Nation after the rebellion she found Peter ward residing there. "It has been found in the case of Peter ward, et al., F. D. 613, that he did not return to and establish a residence in the Cherokee Nation until after the time specified in the decree of the court of Claims rendered February 3, 1896." But you will also note that she not only testified that Peter Ward had returned, but that he had built a house and was living in one and it was therefore some time after Peter Ward's return.

Another circumstance that we desire to call attention to is that it is admitted that her son, Eddie, was convicted in the United States Court at Fort Smith, Arkansas, of receiving stolen property of William Martin, Jr., who was a cherokee by blood and a citizen of the Cherokee nation. Now it will be remembered that the United States court at Fort Smith had jurisdiction of criminal cases only where one or both parties was a citizen of the United States, and if young Martin was a cherokee by blood and a citizen of the Cherokee Nation as is admitted in this case, then of course the court must have judicially found that Eddie Rowe was not a citizen of the Cherokee nation and that therefore he and his mother did not return to the Cherokee Nation within the time he give them citizenship under the 9th Article of the treaty of 1866. It is positively certain of course that if Eddie Rowe had been a citizen of the Cherokee nation he would have raised that question, because it went to the jurisdiction of the United States court at Fort Smith. The same citizen introduced on behalf of applicants to show guilty, Read his testimony and see how unsatisfactory it is. He will not say that he saw the applicant in the fall of 1866, although the attorney for the applicants practically put

these words in his mouth, but on cross-examination this question was asked him:

"Q. You are not willing to testify just what year you saw her down on Grand River? A No, sir.
"Q. You are not positive as to the exact number of months after you returned until you saw her down there? A No, sir, I couldn't tell exactly?

Now, the truth is this same Mose Riley is upon Freedmen Doubtful card 258, and he has been rejected by the Commission to the Five Civilized Tribes as not having returned within the time himself. The applicant admits of course by introducing Mose Riley upon the stand as her witness that Mose Riley returned before the applicants themselves. The next witness for the applicants is Jim Alberty. Now this is the famous James Alberty commonly known as Sheep Jim. He was a standing witness before the Commission and testified in a great many cases, and the Commission to the Five Civilized Tribes and all of the clerks know of him, and they know that he is thoroughly disreputable. He was rejected himself. Attention is invited also to the fact that the Department has found in the case of Daniel Whitmire, F. D. 434, Luella Sneden, F. D. 997, and George Weigs, consolidated with Elizabeth Weigs, F. D. 391, and other cases, that the first families, including the Webbers, Whitmires and Sanders, did not come back to the section of the country known as the Big Creek country until the spring of 1867; that none of them, except some of the men folks, came back in the fall of 1866, and that none of them were living there in houses in the fall of 1866; therefore, the applicants could not have come to any houses in the fall of 1866, and if there were houses there items after 1866.

Special attention is also invited to the fact that Sallish Rose testified that Phyllis Whitmire was there when she returned. In answer to this question "Who were neighbors when you first located there?" Sallish Rose said "When we first located there that was all just fresh settled; there was Aunt Phyllis Whitmire, and Uncle Mike and Mary Whitmire and old Andy Daugherty, there was a good many of them."

By reference to Freedmen Doubtful card, it will be seen that this same Phyllis Whitmire was rejected by the Commission to the Five Civilized Tribes July 16, 1906, and her rejection was affirmed May 18, 1906, and on

motion to reopen has been filed in said case. In the light of this testimony certainly we are justified in saying that there is no merit in the motion of applicants to reopen this case. The Cherokee Nation, however, relied upon the conviction of Eddie Rowe in the federal court to show that the federal court assumed jurisdiction over him, and the aggrieved party being a Cherokee Indian, this was a judicial finding that Eddie Rowe was not a citizen. It also relied upon the statement of the principal applicant as to who she saw in the Cherokee Nation at the time she returned, because it is only in that way that it can be determined at what date some people returned forty years ago. The Department will remember that a great many of these freedman claimed to have returned in bunches, and while we have no witnesses to identify certain individuals of the bunch, yet it is ofetntimes not difficult to get witnesses to identify the time the crowd returned of which the individual was a part. It has been clearly shown that Peter Ward did not return and it has been shown that Phyllis Whitmire did not return and in fact the Department has found that no women and children returned prior to the last of February or the first of March, 1867, to this section of the country known as the Big Creek country, and it found in the cases hereinabove cited. The Cherokee Nation also introduced Elizabeth J. Meyers, who testified as to knowing Delilah Rowe. She knew her father and she knew her when the child Eddie was born, and she testifies that Delilah Rowe did not come to the Cherokee Nation in 1866.

We submit that the record abundantly justifies the decision of the Commission rejecting the applicants and the decision of the Department affirming said rejection.

We have taken occasion to call the attention of the Department in numerous cases already as to what should be set up in a motion for a rehearing upon the ground of newly discovered testimony. We have collected authorities from all of the decisions of the Supreme Court of Arkansas, and cited them in our reply brief in the Sam Landers case, P. S. [illegible], but we desire to call the attention of the Department to the rule laid down in Cherokee Allotment Contract pp. 713, entered by the Commissioner to the five Civilized Tribes on June 5, 1902, wherein the Commissioner said:

403; 25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 36 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 728. All of these decisions sustain the decision of the Commissioner to t he Five Civilized Tribes in Cherokee Allotment Contest No. 712, and in the case of Moore versus Larney, Creek No. 49.

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

(a) It must be such as would probably change the result if a new trial is granted.

(b) It must be discovered since the trial.

(c) It must be such as could not have been discovered before the trial by the exercise of due diligence.

(d) It must be material to the issues.

(e) It must not be merely cumulative to the former evidence.

(f) It must not be merely impeaching or contradicting the former evidence."

In support of this decision is cited the following from Moore versus Larney, Creek No. 49:

"In motions for rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear." 6L.D. 9; 7 L. D. 136; 10 L. D, 483; 18 L. D. 31; 191 L. D. 543.

These decision are supported by all of the Arkansas decision upon the three main questions, namely, the testimony must be material, and it must be such as would probably change the result; it must not be cumulative; and not only must there have been diligence, but the facts which go to show the diligence must be fully set out, and in support of this we desire to cite the following decision from the Supreme Court of Arkansas, Harris versus Wise, 2 Ark. 33, where the question of what is necessary to embody in a motion for a new trial is thoroughly gone into. 2 Ark. 45, 23 Ark. 46; 8 Ark. 406; 10 Ark. 358; 11 Ark. 671; 13 Ark. 360; 17 Ark. 408; 23 Ark. 89; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 36 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 728. All of these decisions sustain the decision of the Commissioner to t he Five Civilized Tribes in Cherokee Allotment Contest No. 712, and in the case of Moore versus Larney, Creek No. 49.

Certainly it cannot be contended that the evidence would not be merely cumulative of the witnesses expected to be introduced, because the question of ownership and return were thoroughly gone into and witnesses testified as to that, and every decision hereinabove quoted is to the effect that motions for a new trial will not be granted upon evidence merely cumulative to the former evidence.

We submit therefore that the decision of the Commission to the Five

Civilized Tribes and of the Department rejecting these applicants was correct and that for the reasons hereinabove stated, namely, that the motion is without merit, that the evidence would only be cumulative, and that no diligence is shown, the motion for a rehearing in this case should be denied.

Respectfully submitted,

7-26-06x

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe, et al., as Cherokee Freedmen, consolidating the applications of ----------

Delilah Rowe, et al.,	Cherokee Freedmen D 748,
Hattie Thornton,	Cherokee Freedmen D 749,
Eddie Rowe	Cherokee Freedmen D 750,
Fred Rowe	Cherokee Freedmen D 837,
Belle Rowe	Cherokee Freedmen D 1118.

MOTION.

Comes now the applicants and move that the affidavits hereto attached are filed and made a part of the record in support of the Motion of applicants for a rehearing in these cases.

Applicants also have a number of witnesses they will produce at the rehearing of this case to show that witness Elizabeth Jane Morris is a disreputable, ignorant colored woman and is entirely unworthy of belief.

Respectfully,

[illegible]

ATTORNEYS FOR APPLICANTS.

AFFIDAVIT

STATE OF KANSAS
COUNTY OF DONIPHAN } SS.

On this 17 day of June, A. D., 1906, personally appeared before me, the undersigned Justice of Peace within and for the County and State aforesaid, ZACK DAVIS, of lawful age, who being first duly sworn, on his oath says:-

"My name is ZACK DAVIS. My age is 54 years and my Post Office is Wapleton, Kansas. I was acquainted with Daniel Rowe and his daughter, Delilah Rowe, after the close of the Civil War. I lived in the same community that they lived in and I know that they left this community and went to the Cherokee Nation, Indian Territory in the year of 1866 and never lived here after the year of 1866."

ZACK DAVIS.

Subscribed and sworn to before me this 17 day of June, 1906.

M. T. YOUNG

A JUSTICE OF THE PEACE

My commission expires 1908.

AFFIDAVIT.

STATE OF KANSAS }
COUNTY OF FRANKLIN } SS.

On this 13th day of June, A. D., 1906, personally appeared before me, the undersigned Notary Public within and for the County and State aforesaid, ISAAC SHIELDS, of lawful age, who being first duly sworn, on his oath says:-

"My name is ISAAC Shields. My age is 59 years and my Post Office is Ottowa, Franklin County, Kansas. I went from Leavenworth, Kansas to Mapleton, Kansas in 1865 and lived there for a number of years thereafter. I knew the applicant, Dalilah Rowe, and I knew her father, Daniel Rowe. I knew that he left Mapleton in the fall of 1866 and went on to the Cherokee Nation, Indian Territory. Daniel Rowe and the members of his family had only a short time within which to move to the Cherokee Nation and they left within the six months given them by the Treaty in order to get Homes in the Cherokee nation."

Witness to mark.
H. B. Terrance.

ISAAC his X SHIELDS
MARK

Subscribed and sworn to before me this 13th day of June, 1906.

(SEAL)

J. E. [illegible]
NOTARY PUBLIC.

My commission expires Oct. 19th-1909.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT ; SS:

Personally appeared before me the undersigned Notary Public within and for the northern District of the Indian Territry, Dunk Vann who being duly sworn on his oath says:

My name is Dunk Vann, my age is 86 years, and my post office is Joseph Indian Territory. I am a duly enrolled Freedman Citzen of the Cherokee Nation, and my name is on the 1880 roll , and I have received my allot ment of land in the Cherokee nation.

I am acquainted with the applicant, Dalila Rowe, and I know her father Dan Rowe, I know that Dan Rowe came to the Cherokee Nation and made him a place, that is built him a house in 1855, and then went back to Kansas and returned to the Cherokee Nation and settled with his family on the place he had made on Big Creek in 1855; he settled on this place on Big Creek in the spring of 1856 . I saw him myself and talked with him, and I know that he permanently and continuously resided here, after he settled on his place on Big Creek in the Spring of 1856.

I have no interest whatever in this case.

Dunk Vann

Subscribed and sworn to before me this 20th day of September, 1906.

(SEAL) John A. Kidd

Notary Public.

N. B. 748.

Vinita I. T. August 21 1901.

Hon. H. B. Armstrong,

Clerk of the United States Court,

Fort Smith Arkansas.

Dear Sir:

Inclosed find check for Two dollars for which please send us a certified copy of the indictment, verdict, sentence and final commitment of the case of the United States Vs Eddie Rowe tried in the United states Court at Fort Smith some seven or eight years ago for receiving stolen property from Will Martin.

Send your bill with the transcript and if there is any more due we will be pleased to remit.

Kindly send the other transcript asked for recently the man mentioned in our letter then was John Baldridge convicted for stealing a cow along about 1888. This on a some time goeby the name of Ocean Winds (Fuds) or Dexter Hayes.

Yours very truly,

Attorneys for the Cherokee nation.

Per J. G. S.

M09

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Delilah Rowe et al., rejecting the applications for the enrollment of Delilah, Lombertha, Daniel, Eva, Harvey, Eddie, Fred, and Belle Rowe, and Hattie Thornton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Enc. D-22.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVE IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-748 et al

Muskogee, Indian Territory, October 28, 1904.

Bell , Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Delilah, Loubertha, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Hattie Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,

Land OFFICE OF INDIAN AFFAIRS,

15081-1907. March 2, 1907.

WASHINGTON.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 9, 1907, transmitting a motion for rehearing in the consolidated Cherokee freedman case of Delilah Rowe, et al. The motion has been examined. It contains no merit and it is recommended that it be denied. In connection with this case attention is invited to the fact that the record is not enclosed. It has been misleid that the Office has been unable to find it.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CFP-GM.

Y.P.

DEPARTMENT OF THE INTERIOR, L.E.

WASHINGTON.

D.C.12996-1907.
I.T.D. 7782-1907.
IRS.

March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing of the consolidated Cherokee freedman cases of Delilah Rowe et al., received with your letter of February 9, 1907, and Indian Office letter of March 2, 1907 (Land 15081), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the rolls of citizenship of the for completing the rolls of citizenship of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

R. A. Ballinger,

Secretary.

1 inc. and 2 to Ind. Off.
E.C.P. 3/4/07.

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PLEASE REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. F-4-6

If not delivered in ten days return to

J. C. Starr

ATTORNEY AT LAW

Room [illegible] Lincoln Building

WICHITA, [illegible]

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VICTORIA, TEX.

W. W. Hastings,

Attorney for the Chorokokkalion

Muskogee I T

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RETURN IN TEN DAYS TO Starr & Patton

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ATTORNEYS AT LAW

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Tribal Roll

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W. W. Hastings,

Muskogee I T

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MUSKOGEE, IND. T.
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STARR & PATTEN
ATTORNEYS AT LAW
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W. W. Hastings,
Attorney for the Cherokee Nation,
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File with Cherokee Freedmen, 3-749, Nattie Thom

Department of the Interior,
Commission to the Five Civilized Tribes,
Bowlegs, I.T., June 18, 1901.

In the matter of the application of Delilah Rowe for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Delilah Rowe.
Q How old are you? A Must be about 50 I guess.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Coweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Luberthe.
Q Luberthe, 19, next one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes, sir.
Q And what is the name of the next one, Mary? A Harvey, seven years old.
Q Did you draw what is known as the Strip payment? A No sir.
Q Where were you born? A Born in the Nation here.
Q These children all born in the Nation here? A All but the oldest one.
Q You were a citizen? A Yes sir.
Q Who did you belong to? A Lewis Woo.
Q Was he a Cherokee? A Yes sir.
Q Lewis Woo was a Cherokee by blood? A Yes sir.
Q Were you taken out of the Nation during the war between the North and South? A Yes sir.
Q Where? A Went down to Arkansas.
Q When did you return to the Cherokee Nation? A 1866.
Q Who with? A My father and brothers.
Q Did you have land living in the Cherokee Nation when you came back? A Yes, sir.
By Mr. Smith:
Q What are their names? A Ida Liberty, and Sam Riley.
Q You have made a claim yourself? A Yes sir.
Q Claim to be a Cherokee Indian and a citizen of the Cherokee Nation? A Did so.
Q Where were you at the time the war commenced? A When the war commenced I came to the Cherokee Nation.

Q There? A At the old Mayhew's on the Grand River place on Grand river.
Q How far from Vinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.
By Mr. Hastings:
Q How old are you now? A Just my death no, I don't know my age exact.
Q That was your father's name? A Daniel Brown.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At that place? A At Humboldt.
Q You came west heard that from Humboldt, Kansas? A Yes sir, mother died when we first went up there.
Q Was your father in the army? A Enlisted in the militia.
Q What place in Kansas did you come from when you came down here? A Ft.Scott.
Q What were you doing up at Ft.Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes, sir, she died there.
Q Born in Ft.Scott? A Born in the neighborhood there: we lived in the country.
Q Was you living with a man then at your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown and got children.
Q What is his name now? A Billy.
Q How old is Billy? A He must be something near 35 years old I reckon: that's how we put it down.
Q You applied for some brave the Indian Homicide didn't you? A Yes sir.
Q You remember when you give his name in at that time? A No, sir, I don't.
Q I'm asking you whether or not you gave his name in at that time? Oh, you must have been at.
Q Do you remember whether you gave his name in at that time?
A I don't remember whether I did or not.
Q How old was Billy when you came down here? A He was something near 9 months old.
Q Where was Billy born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You been always there, been not living over there? (Hesitating)
A Yes sir.
Q He was living down on the Grand and he when you [illegible] A No sir, don't remember seeing him.
Q How far did you live from town? A The place that I speak of is about 6 miles south from the place.
Q You and [illegible] A [illegible]
Q How long was it after you got home until you [illegible] A [illegible]
Q Have children living of those that died young? A [illegible]
Q How many children have you had? A [illegible]
Q Where are they? A [illegible]
Q Are Billy's children living? A [illegible]
Q Where are they? A [illegible]
Q Are Billy's children living? A [illegible]
Q Are Billy's children living? A [illegible]

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin.

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may hav been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 16 mile from out house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike and Mart Whitmire, and old Andy Dougherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.

Q Born there? A Yes sir.

Q Not long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cobbl.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe; George aint with my children at all.

Q How much older than George is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age? A Bell is 27 last March and George ought to be 30 I reckon.

Q Don't you know the difference between [illegible] Bell's and George's age, why don't you know the difference between George's and Eddie's ages? A Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Can't you tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw Jim Alberty first after the war? He on Big Creek?

A Yes, sir, he came to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Fall when he came to our house it was something near Christmas time.

Q Would Christmas time be 1871? A Yes sir, something near Christmas time.

Q You knew William Dodge? A Yes, I knew him Dodge.

Q How far did he live from you at that time? A About eight miles.

Q You have lived there ever since have you? A Yes sir.

Q Old man Nelson Murrell living there at that time? A He lived upon Snow Creek.

Q How far from your? A About 12 miles.

Q Was he living up there when you move up there? A I don't know, we never scuttled out hereby.

Q What were your nearest neighbors then? A Willis Whitmire and Mart Whitmire and uncle Andy Daugherty.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, Howe.

Q Now the next one? A George Ward; he went with me though.

Q Well the next one? A Nell Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Luberthe.

Q Well that brings you down to the ones you gave here this morning? A Yes, sir.

By Com'r Needles:

Q Do you want these children enrolled as Howe? A Yes sir they have always went by that name.

MOSE RILEY, being sworn and examined by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 21 and 2 years

Q You know this applicant, Delilah Rev? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, of Lewis Rose.

Q Was Lewis Rose a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Rose live when the war commenced? A At the old agency. There the Cherokee Orphan Asylum is now.

Q In the Cherokee Nation? A Yes sir.

Q Where was Delilah Rose when the war commenced? A I don't know sir whether she was right there or not.

Q When did you first see her after the war closed? A It was right after the war I saw her at her uncles. Her and her father and mother, that is her supposition.

Q Who was her uncle? A Lewis Rose.

Q Where did you see her? A On Grand River, in the Cherokee Nation.

Q When? A Right after the war.

Q You don't know what year it was in? A No sir.

Q How long after the war was it? A Not very long after the war - [illegible] and people all people coming back home.

Q Was she your ward property? A Yes sir.

Q Did she be your? A In the mail.

Q Did you see her before or after you returned home? A I [illegible] my office.

Q How long after? A It must have been a couple of months, because [illegible] in the mail.

Q Did you state she was in the mail at the time you made her [illegible] before Commissioner? A I came to Muskogee [illegible] after leaving my home and you took just a [illegible]

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Vimer, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q More, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we come down in the fall.

Q Rose, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q Now how far is Grand river from Big Creek? A I don't know, sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, and following fall you moved to Pryor Creek, is that the way of it? The fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived sometime afterwards?

A Martin Thompson, he finally lived there or what was called the old Corey place years before that.

Q You wasn't called upon to testify for this woman 8 years ago?

A No sir.

Q How long after you saw her on Grand river was it until you saw her on Big Creek? A I saw her much more after we came down south, out in Tahlequah.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q Did many people come down south at about that time? A No you mean that came down south.

Q Did you see other people in connection with your coming? A No sir, I just saw them down in Tahlequah. I don't know about them.

Q How far was the school place from where Lewis Rose lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Gov'r Needles:

Q Does Big Creek run into Grand river? A No sir.

Q Big Creek runs into the Verdigris? A Yes sir.

Q You states it was 30 or 40 miles from Big Creek to Grand river? A Yes sir, it is.

Q Well to what points - well let it go.

JIM ALBERTY, being sworn by Gov'r Needles, testified:

By Mr. Smith:

Q State your name? A Jim Alberty.

Q How old are you? A Near 70 years old.

Q What is your postoffice? A Choouteau.

Q How long have you lived in the Cherokee Nation? A 70 years.

Q Do you know this applicant, Delilah Rose? A Yes sir.

Q How long have you known her? A I have knowed her from a small child.

Q Was she a slave before the war? A She was born a slave.

Q Whose slave was she? A Lewis Rose.

Q Was Lewis Rose a Cherokee Indian? A Yes sir.

Q Where did he live before the war? A Over here where this Orphan Asylum is.

Q In what nation? A On Grand river. In the Cherokee Nation.

Q When did you first see this applicant, Delilah Rose, after the war closed? A I saw her right closete her old home, come there and visited her daddy and her with him.

Q Who was with her? A Her daddy, Daniel Rose.

Q Where was that you saw her? A In the Cherokee Nation, on Grand river.

Q When was it? A It was in '66.

Q You know about what time of the year? A Yes sir.

Q What time? A It was in the fall, as well as I can recollect.

By the Examiner:

Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.

Q You don't remember the month? A No sir, I don't know the month.

Q You just happened to run across her father coming up there?

Q No sir. I was hunting a horse, some Indian stole from Robert Rose here.

Q Where was he at that time? A He was camping down by his old master's house.

Q Down on Grand river? A Yes sir.

Q Now going to the Dawson school? A Right there.

Q Right at the school house? A Yes sir.

Q [illegible]

Q Was he there then? A Yes sir.

Q [illegible]

Q Did you see this woman Delilah there then? A Yes I saw that girl, she was a girl then.

Q How long did you stay and talk to them? A I reckon one hour, or than a hour then.

Q [illegible] A No sir.

Q [illegible] A Yes, sir, and sat.

Q [illegible] A Yes sir.

Q [illegible] A I did not see her my mother, [illegible] I reckon I was there and I reckon [illegible] I was not old enough [illegible] I was a girl. I reckon, I was an [illegible] I don't know [illegible]

Q [illegible] A No sir.

Q [illegible]

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there camped? A No sir.

Q That was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it he took the census before, the Kern-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q ~~What year is this Jim? A Why you keep asking me something~~ that I don't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A '66?

Q Yes? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this last money? A That's the same question: I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never notice! children.

Q How far did you live from her? A I lived about 15 miles.

Q From her? A From Lewis Rose.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q Infantry? A Yes sir.

Q Who did you belong to when the war came up? A John Alberty.

Q Are you the same fellow that Mr. Lackey testified was sent out to a Rebel camp near Little Rock - he testified in your case?

A He is the man that testified that I was sent out down there.

Q Near Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. Smith: I object to that, because Mr. Lackey didn't testify he was sent out. He testified he met John Alberty there.

[illegible]

[illegible]

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 136 #2877 [illegible] Tahlequah District.

Page 138 #2882 [illegible] Tahlequah District.

Wallace roll of citizens of the Cherokee Nation examined for Sophia, and none only found. Also examined for Daniel and Eva and Harvey not found.

Applicant sworn and further examined, by Com'r Needles:

Q Did Sophia get by any other name besides Rowe? A No sir.

Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.

Q Well she must apply for herself if she is married: is Lubertha married? A No sir.

Q Did you draw what is known as Strip Money or the Kern-Clifton money, for those children? A No sir.

Q Is Lubertha alive at this time and living with you? A Yes sir.

Q Is Daniel living with you? A Yes sir.

Q Eva? A Yes sir.

Q Harvey? A Yes sir.

Q Sophia, I understand then is married? A Yes sir.

Q Who to? A William Whitaire, and Harris is married.

Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Sallie Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit; Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation; the applicant swore that she was a citizen, - as to her citizenship reference is made to the testimony; she asked satisfactory proof as to childhood; consequently, Sallie Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee freedman on a doubtful card. It will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation. In the preparation of this application, the applicant will be provided by said as to the notice of the testimony in the premises.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 18th, 1901.

In the matter of the application of Hattie Thornton for enrollment as a Cherokee Freedman; said Thornton being sworn and examined by Commissioner T. . Needles, testified as follows:

Q What is your name? A My name is Hattie Thornton.
Q How old are you, Hattie? A I am 21.
Q What is your post office address? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q Do you appl to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Do you want to enroll anybody but yourself? A Myself is all.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Joseph Thornton.
Q Is he a citizen? A Yes, sir.
Q What is your mother's name? A Delilah Rowe.
Q Is she the Deli lah Rowe who has just applied for enrollment?
A Yes, sir.
Q Is your name on any of the roll of the Cherokee Nation?
A On the Wallace roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 136, #2881, Hattie Rowe, Cooweescoowee District.

Q Where were you born, Hattie? A I was born on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir; I don't know any where else except the Cherokee Nation.

CON'R WHEREON; Hattie Thornton applies for the enrollment of herself. She avers that she is the child of Delilah Rowe and she is duly identified upon the Wallace roll as Hattie Rowe, that having been her maiden name. She avers that she is now married to one Joseph Thornton. She makes satisfactory proof as to residence. In this connection reference is made to the testimony taken in the application of her mother, Delilah Rowe, who has been listed for enrollment as a Cherokee Freedman upon doubtful card #760, and the testimony taken in the matter of the application of Delilah Rowe will be made part of the record in the case of her and a copy of the said testimony will be filed herewith. She makes satisfactory proof as to residence, consequently Hattie Thornton, nee Hattie Rowe, will be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be duly advised by mail of the action of the Commission as to her application.

—oo0Ooo—

J. G. Rogers, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of June, 1901.

Shawkerr Cherokee, Supplemental, D-749.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 5, 1901.

In the matter of the application of William Childers for enrollment as a Cherokee by blood.

Supplemental testimony.

Appearances:
Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

John C. Childers, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John C. Childers.

Q What is your age, Mr. Childers? A I don't know just exactly, I am somewhere about between 46 and 47.

Q What is your postoffice? A Claremore has been my postoffice.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Q Do you know William Childers, the applicant? A Yes, sir.

Q Is he any relation of yours? A He is a full brother, the same father and mother.

Q Well now, state what you may desire in regard to the citizenship of your brother? A Well sir, I will state first, in 1880 he had been and was at that time making his home with me in the Cherokee Nation on Saillisaw, and was a single man, I was a man of family and he was living there with me, and was just working by job work wherever he could get work along; the only place he knew as home was with me, I was the eldest and he always made my place his home, and when the census enumeration was made in 1880 they didn't visit all the houses direct, they went in a community, in a neighborhood and taken the names and inquired, go to some place and inquire about, didn't visit all the houses as the law demanded.

Q Well, know of anything else? A Why we presumed his name was on the 1880 roll all right and didn't know better until we appeared before the Commission at Claremore; at that time we didn't know just what evidence would be necessary and what would be required.

Q You supposed his name was on the 1880 roll than until you visited this Commission at Claremore and found it different? A Yes, sir.

Q Is William Childers your own brother? A Yes, sir, same father and mother.

Q Where was he born? A He was born in Flint District, Cherokee Nation.

Q What degree of Cherokee blood has he? A About 1/8, the most we can get at it.

Q Has he always lived in the Cherokee Nation? A No, sir, not always, he worked in the Chocktaw Nation part of the time.

Q Was he a single man at that time? A No, sir, he married though in the Choctaw Nation.

Q Well, when did he commence to live permanently in the Cherokee Nation? A Well, he has lived off and on in the Cherokee Nation since he married.

Q When was that? A I don't just remember the dates now, but he lived in Gentryville better a while, and now he has his farm and all of his interests in the Cherokee Nation up near the Kansas line.

Q Is he married now? A Yes sir, has wife and about seven children I think it is.

Q Has he been living in the Cherokee Nation since 1897 or '8, three years ago, four years ago? A Yes, he lived a short time in the Cherokee Nation two years ago to the best of my recollection.

Q Well, he lived in the Choctaw Nation then up until two years ago?

A Only for a short time he visited my place, just made my house his

home.

Q Well, since he has been married and a housekeeper himself, he has never lived in the Cherokee Nation until about two years ago; is that correct? A Yes, sir, I believe that is about correct; he just lived on the Choctaw side, right on the other side the river.

Q On the other side the river? A Yes, sir.

Q That is along to the Cherokee and Choctaw line? A Yes, sir, the river made the line.

Q Is that where he had always lived? A That is where he has resided ever since he married, except the time that he lived at McKee; a short time at McKee.

Q Where is McKee? A McKee is in the Cherokee Nation.

Mr. Hastings: This boy born about the beginning of the war?

A Yes, sir?

Q He was born in Flint district, Cherokee Nation? A Yes, sir, we were both born in the Cherokee Nation.

Q Did his parents take him out of here during the war? A Yes, sir, my parents went down on Kiowa in the Choctaw Nation,

Q Did your parents ever come back here after the war? A No, sir, my parents died, my father died in the army and mother died down on Kiowa.

Q Yes I know, but I want to know whether she died during the war or after the war? A Just a short time after the surrender.

Q Your brother was with your parents at that time? A Yes, sir.

Q How did he remain down there until he married? A No sir, we came back.

Q How where did he go to and when after the war? A We came together, he and him came to Childers Station first point.

Q No- about when was that; about how old was he? A He was about, somewhere about ten or twelve years old.

Q That was four or five or six years after the war? A Oh yes, yes, sir, it was, I don't just remember, I think mother died in '71, to the best of my recollection; we were just boys and I don't remember; as soon as we could we came on home.

Q How long did he stay at home? A He stayed here about two years in the Cherokee Nation.

Q And then went back? A No, sir, just across the river from over where Mrs. Walker used to live.

Q He went back to the Choctaw Nation? A Yes, sir, went over there and worked for them.

Q And he afterwards married Fanny Walker's widow? A Yes, sir.

Q She had previously married a Choctaw? A Yes, sir.

Q She had no rights over there as a Choctaw? A No, sir, the Court decide my rights herself I don't think as a Choctaw.

Q Well, her former husband was a recognized Choctaw citizen? A Yes sir.

Q Fanny Walker, I am from the divorce? A Yes, sir.

Q She had some children by him? A Yes.

Q And after that divorce she married Sam? A Yes sir.

Q Now Mr. Childers, where is his wife now? A She is in the Cherokee Nation up here close to the Tahlequah line.

Q How long has she been here continuously all the time? A Well they have paid regularly there to his farm.

Q Well, how long is that? A Only about three or four or five days I think.

Q Did she come from the Choctaw Nation to there? A Yes, sir? He asked me if I came from Durant that.

Q He is a Choctaw citizen, is he not? A Yes, sir.

Q He has been living with his wife practically all the time in the Cherokee Nation since marriage? A Yes, sir.

Q Well I did ask you when they moved up here? A Yes, sir, he moved, they lived at Durant I think.

Q Which way went? A Why I remember when they lived

W C. SMD.S.

over there.

Q With that exception they have lived in the Choctaw Nation?

A Yes, sir.

Q What is his present wife? A Yes, sir.

Q He married her, he stated, in 1886, in his own statement?

A Yes, sir.

Commissioner: Are these children for whom he applies his children by his present wife? A Yes, sir.

~~Commissioner: (To Applicant) Any questions you would~~ like to ask him, Mr. Childers? A No, sir, not that I know of, I don't believe.

Q You know of anything else, Mr. Witness? A No, sir, I don't know of anything else.

Applicant: Only one place, I failed to mention I lived there in Sandtown Bottom until the overflow run me out; I had to move out of the bottom on account of the overflow; that was before I lived in McKee; I lived in Sandtown Bottom and the river got up and overflowed the bottom and I had to move out and I moved over across the river on the other side.

William Childers, the applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Were your children for whom you apply all born in the Choctaw Nation? A Yes, sir.

Q Your present wife a white woman? A Yes, sir.

Q She was the widow of a Choctaw citizen? A Yes, sir.

Q None of these children for whom you apply then were born to her before you married her? A No, sir.

Commissioner: This testimony will be filed with the other and taken into consideration when the case is decided upon and determined by the Commission.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd of September, 1901.

Commissioner.

File with Cherokee Freedman D-749, Hattie Thornton.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants,
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.
Q How old are you? A I was 60 the 9th of last March.
Q Where do you live? A I live in Lynn County, Stanton Township.
Q What is your postoffice? A Mapleton.
Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.
Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.
Q Did you know one by the name of Delilah Rowe? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Daniel Rowe.
Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.
Q How far did they live from you? A About half a mile.
Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.
Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.
Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.
Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.
Q Why do you say he came first, was there any circumstances?
A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.
Q Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.
Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place. I didn't know of his living on any other place after I got acquainted with him.
Mr. Smith: How long did you say this Delilah Rowe lived there?
A She lived there all the time her father did, with him.
Q What was her father's name? A Daniel Rowe.
Q Well, how long did he live there? A He lived there at the close of the war in '65 or early as I can remember.
Q How long did he stay? A Stayed until he moved to the Territory.
Q Well, how long was that? A That was either in '67, in '68 or '69 I forget about Mr. Davis. He left the same year or later as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination: if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that: you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world: he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q That year? A Same.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My boy? 2 years older. Let's see, I can see around that up, my oldest one was born June 24. I was telling you. And the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both of record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, 1867? A After this last one, my old.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in these ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, SIR, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~thexxxx~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the month of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They came there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she had a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother. I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman? A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time, you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part? A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '6?, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to be the lighter part of the winter or spring.

Q Latter part of the winter or spring of what, '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The fall of year, June.

Q Why did you a child have to be up there before it is old enough to walk? A They generally could sometimes walk at a year. I could give a child a year. I did not be grown enough to walk when grown up home on, that, and if he could walk could back to there the time '67. I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not. Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since 1892.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freeman D-749, D-750, D-752, D-857, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to and subscribed before me this the 20th of October, 1921.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit.

Mattie Thornton, D 740;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be overruled and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith.

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed ninety days to file copy of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, H. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

(Signed)

Subscribed and sworn to before me this July 30, 1902.

(Signed)
Notary Public.

F.D. 749

Proof of Service made
and original filed with the
DATEN COMMISSION.
OCT 1 1901

NOTICE!

IN THE MATTER OF the application of Hattie Thornton for enrollment as Cherokee Freedmen:

Case No. F. D. 749

To Hattie Thornton Hudson I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

N. M. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher.Fr.D-750

Cher.Fr.D-750

file with Cherokee freedmen. 750. Eddie Rowe

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of Delilah Rowe for the enrollment of herself and four children as Cherokee freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Delilah Rowe.
Q How old are you? A Must be about 30 I guess.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rowe? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Lucretia.
Q Lucretia, 19, that one Sophia? A Yes sir.
Q She is 17? A Yes sir.
Q Next one Daniel? A Yes sir.
Q Is he 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is about 12 is she? A Yes, sir.
Q And what is the name of the next one, Harry? A Harvey, seven years old.
Q Did you ever what is known as the Strip payment? A No sir.
Q Where have you lived? A Here in the Nation here.
Q These children all born in the Nation here? A All but the oldest one.
Q You were married? A Yes sir.
Q Was your husband? A Lucius Rowe.
Q He was a Cherokee? A Yes, sir.
Q Lucius Rowe was a Cherokee by blood? A Yes sir.
Q Were you born out of the Nation during the war between the North and South? A Yes sir.
Q Where? A Went out to Kansas.
Q How did you return to the Cherokee Nation? A Yes.
Q Who with? A My father and brothers.
Q And you have been living in the Cherokee Nation ever since then? A Yes, sir.
By Mr. Smith:
Q Who are your witnesses? A My husband, and Rose Haley.
Q Do you have a Kansas payment? A Yes sir.
Q Have you ever been a Cherokee freedman and a citizen of the Cherokee Nation? A Yes sir.
Q Where were you at the time the war commenced? A When the war commenced we were in the Cherokee Nation.

Q Where? A At the old Asylum to my old boss' place on Grand river.
Q How far from Vinita? A I don't know.
Q Is it the old Orphan Asylum? A Yes sir.

By Mr. Hastings:

Q How old are you now? A Just we about 80, I don't know my age exact.
Q What was your father's name? A Daniel Rowe.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At what place? A At Humboldt.
Q You came down here then from Humboldt, Kansas? A No, sir, mother died when we first went up there.
Q Was your father in the army? A Belonged to the militia.
Q What place in Kansas did you come from when you came down here?
A Ft.Scott.
Q What were you doing up at Ft.Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A. Yes, sir, the oldest one.
Q Born in Ft.Scott? A Born in the neighborhood there: we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown man and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A He must be something near 36 years old I reckon; that's way we put it down.
Q You applied for Eddie before the Kern-Clifton Commission didn't you? A Yes sir.
Q You remember what you give his age in at that time? A No,sir, I don't.
Q You remember whether or not you give his age in as 18? Oh he must have been 28.
Q Do you remember whether you gave his age in as that or not?
A. I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was so young over 2 months old.
Q Where was George born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Morris, that man sitting over there? (indicating)
A Yes sir.
Q He was living there on Big Creek was he when you came? A So sir. I don't remember seeing him.
Q How far did you live from him? A Mid above must be about 6 miles I reckon from our place.
Q You did he not living there? A I never saw him.
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Before that was he living up there when you used there? A Yes sir
Q Big Peter used live 2 miles when you came there? A Yes, sir. they built the house.
Q Did they have a little patch of corn? A No sir, he died. I never went up.
Q Did Albert Morris live there? A Several years after we was there we got married and the Morris boys.
Q Did you hear of him coming and bringing up something for-
Q Did you hear of him coming and bringing up something for-
[illegible]
[illegible]
[illegible]

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin?

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 18 mile from out house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike an' Mart Whitmire, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You came straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cold.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe: George aint with my children at all.

Q How much older than Geedy is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q You know about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age? A Bell's 27 last March and George might be 25 I reckon.

Q Well you know the difference between George's and Bell's age, why don't you know the difference between George's and Eddie's age? A Bell's my baby, he was between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you could have an idea.

Q You tell me how much older? A Yes. I guess he was right there on his fourth.

Q Well you tell me how much older than George Eddie is? A There is something long five years I guess.

Q You say Jim Alberty came to see you? A Oh yes sir.

A Yes, sir. He came to see me.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Well then I came to my house it was everybody was between them.

Q Good gentleman was he? A Yes sir, considering him [illegible].

Q Did you entertain him? A Yes, I took him home.

Q Did he go home from you at that time? A [illegible]

Q You have heard from him since then? A No sir.

Q Old man Nelson Murrell living there at that time? A He lived upon Snow Creek.

Q How far from you? A About 12 miles.

Q Was he living up there when you moved up there? A I don't know, we never scattered out nowhere.

Q What were your nearest neighbors then? A Willis Whitmire and Mart Smith, he and uncle Andy Daugherty.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, Rowe.

Q Now the next one? A George Turner he went with me though.

Q Well the next one? A Bell Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Lubertha.

Q Well that brings you down to the ones you gave here this morning? A Yes, sir.

By Com'r Needles:

Q Do you want these children enrolled as Rowe? A Yes sir they have always went by that name.

Mose Riley, being sworn and examined by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 21 and 2 years

Q You know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, to Lewis Rose.

Q Was Lewis Rose a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Rose live when the war commenced? A At the old asylum. Where the Cherokee Orphan Asylum is now.

Q In the Cherokee Nation? A Yes sir.

Q Where was Delilah Rose when the war commenced? A I don't know sir whether she was right there or not.

Q Then did you first see her after the war closed? A It was right after the war I saw her at her uncles, Bob and her father and mother. That is her stepmother.

Q Did her father live? A Yes sir.

Q Where did you see her? A At Chelsea, Rose, in the Cherokee Nation.

Q What? A Right after the war.

Q You don't know what year it was? A No sir.

Q How long after the war was it? A Not very long after the war - when the scattered people all began coming back home.

Q Where did you come back yourself? A In 76.

Q What's the 76 for? A In the fall.

Q Did you see her before you yourself came back? A I saw her after.

Q How long after? A It was about some time a couple or three, three, [illegible] about seven that year, in the spring.

Q Did you first see her in the fall of 76 when you came back, or long before the school? A I don't [illegible] [illegible] [illegible]

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you stay before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Vinita, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years. I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q More, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we came down in the fall.

Q Now, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we came back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q Now how far is Grand river from Big Creek? A I don't know sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it? the fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Did you moved to the place you lived sometime afterwards? A Martin Thompson, he finally lived there on what was called the old [illegible] place beyond Hedge the man.

Q You didn't called upon to testify for this woman 5 years ago? A No sir.

Q How long after you got back on Grand river was it until you saw her up on Big Creek? A I saw her when I was down from Colorado and in [illegible].

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of people after you returned could you say how many there? A No sir, I couldn't tell exactly.

Q Did many people have crops then or could they have? A No not sir. Just were [illegible].

Q You had no idea or remember why that the [illegible] colored people that was coming back to my father or [illegible] more than I was up there [illegible] I lived down there.

Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Com'r Needles:

Q Does Big Creek run into Grand river? A No sir.
Q Big Creek runs into the Verdigris? A Yes sir.
Q You states it was 35 or 40 miles from Big Creek to Grand river?
A Yes sir, it is.
Q Well to what points - well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Jim Alberty.
Q How old are you? A Near 70 years old.
Q What is your postoffice? A Chouteau.
Q How long have you lived in the Cherokee Nation? A 70 years.
Q Do you know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A I have knowed her from a small child.
Q Was she a slave before the war? A She was born a slave.
Q Whose slave was she? A Lewis Rose.
Q Was Lewis Rose a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Over here where this Orphan Asylum is.
Q In what nation? A On Grand river. In the Cherokee Nation.
Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right closeto her old home, came there and visited her daddy and her with him.
Q Who was with her? A Her daddy, Daniel Rowe.
Q Where was that you saw her? A In the Cherokee Nation, on Grand river.
Q When was it? A It was in '66.
Q You know about what time of the year? A Yes sir.
Q What time? A It was in the fall, as well as I can recollect.

By Mr. Hastings:

Q What time in the fall was that Jim? A I don't know exactly, what time in the, it was in the fall of the year there.
Q You don't remember the month? A No sir, I don't know the month.
Q You just happened to run across her father coming up there?
Q No sir, I was hunting a horse, some Indian stole from Indian Nave here.
Q Where was he at that time? A He was camping here by his old master's house.
Q There on Grand river? A Yes sir.
Q Down close to the Orphan Asylum? A Right there.
Q Right at the Orphan Asylum? A Yes sir.
Q Do that [illegible] stand there? A No sir, nothing there.
Q Was he in a tent? A Yes sir.
Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.
Q How long did you stay and talk to them? A I stopped and talked to them a little while.
Q Stay all night there? A No sir.
Q Stopped there an hour or two? A Yes sir, and eat.
Q Did you notice how they were [illegible]? A Yes sir.
Q Did have any children with them? A I think she had one sister there and a child there and I believe Daniel's wife was too old to have [illegible] I was at it in the house.
Q Was it a boy or a girl? A It was a girl, I think, it was so little, it was a [illegible], I don't know what it was called.
Q Big enough to talk? A No sir.
Q Why? A It could crawl up by a chair or on the [illegible], it could

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there camped? A No sir.

Q That was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it we took the census before, the Kern-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q What year is this Jim? A Why you keep asking me something that I don't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A '66?

Q Yes? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this last money? A That's the same question; I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I buil. my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never noticed children.

Q How far did you live from her? A I lived about 15 miles.

Q From her? A From Lewis Ross.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q [illegible] A Yes sir.

Q What did you belong to when the war came up? A John Liberty.

Q Are you the same Indian that Mr. Lindsey testified was sold out up in Little Rock - he testified in your case?

A Is the man that testified that I was sold out down there.

Q Little Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. Smith: I object to this, because Mr. Lindsey didn't testify he was sold out, he testified to that from Liberty Hill.

[illegible]

[illegible]

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 138 #2677, Delilah Rowe, Cooweescoowee District.
page 138 #2682, Louvitha Rowe, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined, by Com'r Needles:
Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
Q Well she must apply for herself if she is married: is Lubertha married? A No sir.
Q Did you draw what is known as Strip money or the Kern-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophie, I understand then is married? A Yes sir.
Q Who to? A William Whitmire, and Harris is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 nor the census roll of 1896 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit; Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation; the applicant swore that she was a slave, - as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence, consequently, Delilah Rowe, her child Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedman on a doubtful card; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission; the applicant will be notified by mail as to the action of the Commission in the premises.

E. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, E. D. Green.

Subscribed and sworn to before me this June 26, 1908.

Signed, T. D. Sealey, Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 18th, 1901.

In the matter of the application of Eddie Rowe for enrollment as a Cherokee Freedman, said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Eddie Rowe.
Q How old are you, Mr. Rowe? A About 36.
Q What is your post office address? A Wimer.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Just myself.
Q What is your mother's name? A Delillah Rowe.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A I think it does.

The 1880 Authenticated roll of the Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The 1896 Census and Kern-Clifton Pay rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon,

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 138, #2678, Edward Rowe, Coowescoowee District

Q Are you married? A Yes, sir.
Q Have you any children? A Yes, sir, but then the mother takes them through.
Q What is your wife's name? A Abbie, daughter of Celia Chambers.
Q You say your mother's name is Delilah Rowe? A Yes, sir.
Q Is she the Delilah Rowe who has just applied for enrollment as a Cherokee Freedman? A Yes, sir.
Q Where were you born, Ed? A I don't know, can't tell.
Q How long have you lived in this Cherokee Nation?
A I have been here ever since I can recollect.
Q Never lived out of the Cherokee Nation? A No, sir.
Q You never heard where you were born? A No, sir.
Q What does your mother say about where you were born?
A I never asked her.

BY MR. HASTINGS:
Q Ed, you were convicted in at Fort Smith, Arkansas, weren't you, in the United States Court there? A Yes, sir.
Q When? A I don't remember, it has been seven or eight years ago.
Q What were you convicted of? A Receiving stolen property.
Q Who did the stolen property belong to?
Q Bill Martin's boy.
Q Is Bill Martin a citizen of the Cherokee Nation?
A He claimed to be.
Objected to by Counsel for applicant because the testimony is the best testimony.
Objection overruled by the Commission.
Q He was a recognized citizen by blood, wasn't he? A Yes, sir.
Q He was a brother of Pete Martin, he claimed, wasn't he?
A They say he was.
Q Did you know Pete Martin's family? A I don't tell.
Q Do you know his sister? A No, sir, I could not make her by I could see her.
Q Did you hear any of his sisters? Never? A Yes, sir.
Q What were their names? A [illegible]

Q One by the name of Jim? A Yes, sir.
Q One by the name of Bill M., Jr.? A I don't know, the next one we called Whitebay.

MR. HASTINGS: I would like to have the enrollment of Bill Martin and his two children.

MR. SMITH: I move to strip out all the testimony of the witness relative to any trial or proceedings had in the United States Court for the reason that the best evidence of the trial and offense with which he was charged is not offered or attempted to be offered.

COM'R MEEDLES: There has been a great deal of latitude given in these cases; I would not grant that it should be stricken out and I think it should be entered.

The 1880 Authenticated Roll of citizens of the Cherokee Nati on examined and on page 136, #1[illegible], Goes Westcowee District, appears the name of Bill Martin, adopted white, 49 years of age, in the family of Sarah Martin, 45 years of age; George Martin, four years of age and Jim Martin, Jr., 14 years of age.

COM'R MEEDLES: Eddie Rowe applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880, the census roll of 1896 or Kern-Clifton roll He is duly identified upon the Wallace roll. He avers that he is the son of Delilah Rowe, who has this day been listed for enrollment upon a doubtful card, #748, and the testimony taken in the case of Delilah Rowe will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Eddie Rowe will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, and he will be notified by mail of the action of the Commission in the premises.

---oooOOOooo---

J. O. Rasson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 5th day of June, 1[illegible].

[illegible]

Commissioner.

File with Cherokee Freedmen D-750, Eddie Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Dallah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Bellatti & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.
Q How old are you? A I was 60 the 9th of last March.
Q Where do you live? A I live in Lynn County, Stanton township.
Q What is your postoffice? A Mapleton.
Q How long have you lived in that section of country there Mrs. Morris? A I have lived there from 1868 up to the present time and living there yet when I am at home.
Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors and we were there.
Q Did you know one by the name of Dallah Rowe? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Daniel Rowe.
Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.
Q How far did they live from you? A About half a mile.
Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.
Q About what was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.
Q Do you know whether or not they came before or after Joel Davis left that country? A They came before, or at least I got acquainted with them before.
Q Did they come first or Jack Davis come first? A They came first, Mr. Rowe came first, I think.
Q Why do you say he came first, was there any circumstance?
A Well he moved there and lived there and I kept company with him and got acquainted with them and therefore I am in mind first.
Q Well, did you ever hear of any conversation to have been had between you or in the line of your work that could, to have the Davis family and the Rowe family? A Mr. Davis left them long acquainted together.
Q What frame are you speaking of that he left? A I thought I told you Mr. Davis' frame. I didn't know anything about the other frame after I got acquainted with him.
Q How long did you say this Dallah Rowe lived there?
A [illegible] there all the time for [illegible] with me.
Q Was she her family's oldest? A Middle child.
Q Did she have children? A Several.
Q Do you know what became of her children? A [illegible]
Q Do you know what became of her children? A [illegible]
Q Do you know what became of her children? A [illegible]
Q Do you know what became of her children? A [illegible]

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Devany: I object to that mode of examination: if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that: you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world: he came and said he was doing government business.

Q How do you know this is in '97, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q That was the date that the child that you fix this date by was born on? A June 24

Q That year? A 1864.

Q Then was the next one born? A It was October 28.

Q What year? A I forget the year now, it is recorded in my Bible, it was October 28, I forget the year.

Q How much older was the first child than the second one? A My boy, 7 years older; let's see, I am sure I have that in my Bible, my eldest girl was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 28, but I remember the date of the year here, but my record, I have that, they are both on record right now, but I have forgot the year here, the date of the year, but I know the day of the month.

Q Well, was it the next year after June 24, that A After this boy was, my girl.

Q The next one, and the youngest, the next one? A The one that died, it wasn't more than 2 years between the two that died and this one I was telling you that I have the date of, October 28, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '63.

Q April 28? A No, it was April. It wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you, what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A ~~Must have been in '64 as I told~~ you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about xxxxxx as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the birth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They came there in the spring as I told you right in planting time because they came to our house to crack for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Was about that a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after that Mr. Moto came.

Q This woman was just a child when? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman before her child was born there because I do the day that been married her.

Q The day Delilah was a little girl when she been there? A Well, a small girl.

Q And they moved away? A She was young like her father.

Q That was that, in '67? A I think it was in '67.

Q And she was a little girl when she left there? A When her father moved in the house there.

Q Did the Delilah after she was married? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that.

Q How old did she appear to be when she had that child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman? A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Howe's father's name? A Daniel Howe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Howe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Howe a letter.

Q You say now that David moved before Howe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part? A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I knew by my child was born in '66 and didn't I tell you the child could call and didn't I come home to tell Mr. Davis goodbye, the child called part of the way and that was in '67, [illegible] I was [illegible], and Mr. Davis was there in the [illegible].

Q What time was the child born? A The child was born close to the latter part of the winter, or spring.

Q Latter part of the winter or spring of what? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q What is what I am talking about? A Didn't I tell you all the time he was born in [illegible].

Q That header? A The year of [illegible].

Q How old does a child have to be to walk before it is old enough to walk? A [illegible] I don't know [illegible] I [illegible] [illegible] 10 or [illegible] [illegible] I don't know. I don't know that [illegible] Davis moved down first and proved to be [illegible]

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '82.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-455.

oooOOOooo

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of October, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Eddie Rowe, D 750;

By W. W. Hastings

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the Treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Conclusion

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Shiel of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that he in the above named cases including the Mariah Hayden case that enough for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Rester,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

[illegible]

Subscribed and sworn to before me this July 29, 1902.

[illegible]
Notary Public.

F D. 750

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190.

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 23 19 190

Mellott & Spirock

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A D 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made and original filed with the DAWES COMMISSION

1061 [illegible] 1901

NOTICE!

IN THE MATTER OF the application of Eddie Rowe for enrollment as Cherokee citizens:

Case No. D 750

To Eddie Rowe or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

1475

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

4

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Eddy Rowe, et al.

75-0

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this _____ day of _____, 1906.

_____,
Attorneys for Cherokee Nation.

By _____

Cher. Fr. D-781

Cher. Fr. D-751

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Thomas Lowrey for enrollment as a Cherokee Freedman.

Thomas Lowrey, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas Lowrey.
Q How old are you? A My brother says about 47.
Q What is your post office? A Longhill.
Q What district do you live in? A I can't tell you to save my life: Coowescoowee I think.
Q Well, you apply to be enrolled as a Cherokee Freedman? A I guess so.
Q Well you guess so; this isn't a guessing contest; do you want to be enrolled or do you not want to be enrolled? A I want to be enrolled.
Q Who do you want to enroll besides yourself? A Nobody but myself.
Q Is your name on the authenticated roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace and the Kern roll I think.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, Page 172, No. 4253, Coowescoowee district, as Thomas Lowrey.

Q Have you got any witnesses as to your citizenship? A I can bring them.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A George Lowrey.
Q Was he a Cherokee citizen? A Yes, sir
Q Were you taken out of the Cherokee Nation during the war between the United States and the South? A Yes, sir.
Q Where were you taken to? A Fort Smith.
Q Where is that? A South of here I suppose.
Q You went South? A I can't say.
Q Is Fort Smith in New York or Louisiana? A I can't say how far it is.
Q Well, what state is it in? A In Arkansas.
Q When did you come back to the Cherokee Nation? A '66.
Q Where did you come to? A I came to Fort Gibson.
Q Who did you come with? A My aunt.
Q What was your aunt's name? A Judy.
Q Judy what? A They called her Judy Lowrey, I can't tell you the balance.
Q Where have you been living since? A Been here with my brother.
Q Where has your brother been living? A Been here on the Verdigris.
Q Where is that, the Cherokee Nation? A Yes, sir.
Q Have you lived there ever since '66? A Yes, sir.
Q Never lived out? A No, sir. I haven't lived out.
Q Have you lived out? I am not talking about now? A I have worked mostly out myself.
Q Where? A Around Vinita.
Q Outside of the Cherokee Nation? A Sometimes.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Not as children then you want to enroll? A No, sir.
Mr. Shellman, Cherokee attorney, does you know anything of this

A Yes, sir.
Q Where? A Fort Smith.
Q What for? A Being accused of introducing and selling whiskey.
Q Where were you convicted? A I wasn't convicted at all.
Q Turned loose down there? A Yes, sir.
Q Accused of bringing whiskey into the Territory? A Yes, sir, Vinita.
Q About how old were you when you came back to the Cherokee Nation after the war? A I can't say.
Q Do you remember coming back? A Yes, sir.
Q You never have been married? A No, sir.
~~Q What year did Wallace make the roll? A I can't tell you that.~~
Q What year did Korn and Clifton make the roll? A That was in 1896: I never could recollect any dates, I am a laboring man myself.
Q Do you know what year you drew that money? A No, sir.
Q Where did you live before the war; do you remember that?
A Yes, sir, Sequoyah District.
Q How far from Fort Smith? A I can't say.
Q Well, who were your neighbors? A My neighbors, I can't tell you that, I think Aaron Hicks, if I am not mistaken.
Q Were you old enough to remember anything before the war?
A No, sir, I don't.
Q What was your owner's name? A George Lowrey.
Q What family did he have? A Family: why just me and my brother and my aunt.
Q Did he have a wife? A Yes, sir.
Q What was her name? A I can't tell you that.
Q Did he have any children? A Yes, sir, he had a number, a boy and a girl.
Q What was their names? A I think the girl was named Mary if I am not mistaken, I think the boy is named Jim.
Q Is Jim alive now? A I don't know, sir, I can't say.
Q Did you ever see him after the war? A No, sir.
Q Was he older or younger than you, Jim? A He is older than I am.
Q About how old was he when the war came up? A I think he was close on to say 13 or 14.
Q Don't you know about how far from Fort Smith, or what neighborhood, you lived in down there before the war? A No, sir, I can't tell you.
Q Don't you know on what creek or close to what river? A I think they called it Lees Creek or something, if I am not mistaken.
Q Was your master known as George Lowrey? A Yes, sir.
Q Well, you claim to have come back with your aunt? A Yes, sir.
Q Did your aunt belong to the same owner? A Yes, sir.
Q Now where did you first come to get after the war? A Came to Fort Gibson.
Q That is the first place you landed? A Yes, sir.
Q Who did you live with at Fort Gibson? A I can't say to save my life, I can't tell you that.
Q How long did you stay there? A I stayed there about, I think about a couple of years, maybe.
Q And you don't remember who you lived with at all? A No, sir.
Q And did you not testify positively what year [illegible] and you can't tell me where you lived at that time? A No, sir.
Q Are you ready to remember with whom you lived? A Yes, sir.
Q Where did you go to from Fort Gibson? A Came up here to my brother's before we went back.
Q Up on Big Creek? A [illegible] on Big Creek, on Washington, on Deer Creek.
Q What did you say his name was? A My brother, Jake or Salem.
Q In that time Marvel then you had been? A Yes, sir.
Q Well, how long did you stay with Jake Salem? A I stayed

there about six years, maybe a little longer than that, at Cherryvale; I waited on the table.

Q That up in Kansas? A Yes, sir.

Q How long did you stay there? A I guess about two months and a half.

Q Then where did you go to? A I came back to Kansas.

Q How long did you stay there? A I stayed there about two years I guess, to my brothers.

Q You lived in Independence a while? A I said yes, and I was going to say just about two months and a half.

Q What other place in Kansas did you live? A I lived nowheres that I know of.

Q Have you ever stayed in any other place in Kansas? A No, sir.

Q Did you ever work in any other place? A Yes, sir, I worked in Sedalia.

Q How long there? A About seven weeks.

Q Where else? A Fort Scott.

Q How long did you work there? A Three or four months.

Q Who did you ever works for in the Nation? A Bass, at the Webb House hotel, at Vinita.

Q How long did you work there? A About two years, in and out.

Q Is that the only work you have ever done in the Nation?

A No, sir.

Q Who else have you worked for? A Worked for George Boswell about ten or eleven years, right here in the Nation, a hardware man in Coffeyville.

Q What were you doing? A Working for him.

Commissioner: That was in Coffeyville? A No, sir, right here in the Nation.

Mr. Hastings: He lived at Coffeyville.

Mr. Hastings: You got a farm? A No, sir.

Q You never did have a home? A No, sir, just only my brother.

Q Where have you been since the payment? A Been right here in the Nation.

Q What did you do when you first came back here after the war? A I can't tell, just worked I suppose.

Q You don't know who you worked for? A No, sir.

Q Nor who you lived with? A No, sir.

Q Nor what kind of a house you lived in? A No, sir, never noticed that.

Commissioner: You ever vote in the Cherokee Nation? A Yes, sir.

Q Ever vote in Kansas? A No, sir.

Q Sure of that? A Yes, sir.

Q What witnesses have you got not as to your citizenship, to prove all this stuff, got any witnesses? A Not here as I know of, my witnesses haven't come that I know of.

Commissioner: The as Lowrey applies for the enrollment of himself. He can't be identified from the authenticated roll of 1880 or the census roll of 1880. He is identified upon the Dawes-Clifton roll. He voted documents to his citizenship, but does not have any witnesses or proof, either as to the citizenship of or to his residence. These papers will now be listed for enrollment as a Cherokee freedman on a contested roll.

Thomas Lowry - 4

Bruce Ca Jones, being duly sworn, says that he is a stenographer in the Commission in the Five Civilized Nations, he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed to and sworn to before me this the 25th day of June, 1906.

Commissioner.

Cherokee Freedmen
D-521

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 2, 1906.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Thomas Lewrey as a Cherokee Freedman.

On January 13, 1906, the applicant, Thomas Lewrey, was notified by registered mail, and on same date the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of the said Thomas Lewrey as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 2nd day of February, 1906, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time said case would be taken up for final consideration.

Now on this second day of February, 1906, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

---oOo---

W. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of February, 1906, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

W M Vance

Subscribed and sworn to before me this 28 day of February 1906

Thos. A. Hall
Notary Public.

Cherokee Freedmen
D 781.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Lowrey as a Cherokee Freedman.

D E C I S I O N .

The record in this case shows that on June 18, 1901, Thomas Lowrey appeared before the Commission at Newata, Indian Territory, and made application for enrollment as a Cherokee freedman.

After ample opportunity afforded it is not established by satisfactory evidence that this applicant possesses any rights to enrollment as a Cherokee freedman, and he cannot be identified on the Cherokee authenticated tribal roll of 1880.

Neither the letters addressed to the applicant by this Commission, requesting him to appear and submit further evidence relative to his rights to enrollment as a Cherokee freedman, nor the registry receipts accompanying same, have been returned, and it is presumed that they were received by him.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 4296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6036-04), the application for the enrollment of Thomas Lowrey as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Kirby
Chairman

Tames Dickson
Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,
this 8 day of Nov 1906

10751

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Thomas Lowery,

75-1

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___ to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

[illegible]

[illegible]

ATTORNEYS
L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF
ATTORNEYS FOR THE CHEROKEE NATION
CHEROKEE FREEDMEN ENROLLMENT

MUSKOGEE, IND. TER., January 14, 1905

James Lowery
Muskogee I.T.

Dear Sir:

A colored man by the name of Thomas Lowery who said that he was born in about 1854 claims that he was a slave of George Lowery and that he, Thomas Lowerys father was Marksman Lowery and that his mothers name was Judy Lowery. He has no testimony in his case but his own which is very unsatisfactory and I wish you would write me in the inclosed envelope whether or not he belonged to your people and if so what became of him during the war, when he returned, and where he has been living since the war.

Yours very truly,

W. W. Hastings

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. MERCHANT,
WM. O. BEALL,
Secretary.

Cherokee Freedmen
R-751.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 22, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Thomas Lowrey as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. S-6

LAND.
31911-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman of Thomas Lowrey.

April 22, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is not identified on the 1880 authenticated Cherokee roll but is on the Kern-Clifton. While afforded ample opportunity the applicant has failed to furnish any evidence to establish his application.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

E. B. Linrabee,

Acting Commissioner.

H.H.H.
W.

G.R.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON,

D.C. 23000
I.T.D. 4826,8731-1905.

June 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 2, 1905, the decision of the Commission to the Five Civilized Tribes dated April 22, 1905, denying the application of Thomas Lawrey for his enrollment as a Cherokee freedman, is hereby affirmed, and a motion for review of said decision filed with the Department September 2, 1905, by Messrs. Kline & Bulger and Mudgett, Servey & Mabry, is denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-751.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 15, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1906, rejecting the application of Thomas Lowery, for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 4, 1906, and the motion for review of said decision, filed September 7, 1906 by the attorneys for the applicant is denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

MM
Encl. C-24

Cher.Fr.D-752

Cher.Fr.D-752

File with Mary H. Rogers, Doubtful C.P.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Houston Rogers, Jr., for the enrollment of himself and his wife as Cherokee Freedmen.

Houston Rogers, Jr., being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Houston Rogers, Jr.
Q How old are you? A A little past 29.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Goowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Well, me and my wife.
Q What is your wife's name? A Mary H. Rogers.
Q How old is she? A Well, about 30.
Q Got any children? A No, sir.
Q Your name on the roll of 1880? A Yes, sir, always has been.
Q Is your wife's name? A No, sir.
Q Is your wife a citizen? A No, sir, an adopted citizen.
Q When did you marry her? A In 1894.
Q Have you any certificate of marriage? A No, sir.
Q Who married you? A J. . Lahey, Clerk of Goowescoowee district.
Q Didn't he give you a certificate? A No, sir.
Q Well you will have to get a certificate from him.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant, Houston Rogers, Jr., identified thereon page 164, No. 2405, Goowescoowee district, as Huston Rogers, Jr.

Q What is your mother's name? A Thoda Rogers.
Q Your father's name Rab? A Rob Rogers, yes sir.

The 1896 census roll of Cherokee Freedmen examined and the applicant Houston Rogers, Jr., identified thereon, page 416, No. 447, Goowescoowee district, as Houston Rogers.

Mary H. Rogers not on said roll.

Q Did you draw what is known as strip money for your wife?
A No, sir, never drawed any.
Q She is what is known as a state woman? A Yes, sir.
Q Where were you born? A In Goowescoowee district.
Q Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Is Mary Rogers your first wife? A Yes, sir.
Q Was you her first husband? A Yes, sir.
Q Have you lived with her continuously since you married her?
A Yes, sir.

Cross-exam: Houston Rogers, Jr., applies for the enrollment of himself. He is only identified upon the authenticated roll of 1880 and the census roll of 1896. He also applies for the enrollment of his wife, Mary H. Rogers, as a Cherokee Freedman by intermarriage, and he swears that he married her, that she is a non citizen, no state woman, in the year 1894, but presents no certificate of marriage nor other satisfactory proof as to his relation. Said Houston Rogers will be listed for enrollment as a Cherokee freedman. Attention is called to the fact that his mother, Thoda Rogers, is only enrolled on the authenticated roll of 1880 with the numeral opposite her name that she is a Chickasaw freedmen, and she has this day been listed for enrollment by this Commission as a citizen and her husband, and reference is made to the testimony taken in said case, but it will not be necessary to file a copy. The said Mary H. Rogers, wife of said Houston, will be listed for enrollment as a Cherokee

Marriage Reports, Cr. - 2.

Freedman by Intermarriage with a colored race, it will be necessary for him to file with this Commission a certificate of his marriage. Applicant will be notified by mail of the action of the Commission as to the enrollment of his child.

Witness my hand.

Bruce C. Jones, being duly sworn, says that he transcribed the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony on the above cases, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed to & sworn

Sworn to and subscribed before me this 30 day of Apr., 1906.

[illegible]

Commissioner.

Supl. C.F.-D.#752.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Mary H. Rogers as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. W. W. Hastings, for Cherokee Nation;

The Cherokee Nation makes satisfactory proof of service of notice on the said Mary H. Rogers that testimony would be introduced on behalf of the Cherokee Nation in the matter of her application for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory, September 20th, 1901. Said Mary H. Rogers has been called three times and fails to respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

---oooOooo---

J. P. Isaacs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 21st, 1901.

C. R. Breckinridge

Commissioner.

N. R. 752

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

SEP

NOTICE!

IN THE MATTER OF The application of Mary H. Rogers for enrollment as a Cherokee Freedman:

Case No. F. D. 788

To Mary H. Rogers Jenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 28th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sep 14 1901 day of 1901.

P. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Cher. Fr. D-753

Cher. Fr. D-753

File with Cherokee Freedmen, No. 753, Sophia Whitmire

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 10, 1901.

In the matter of the application of Sallie Rowe for the enrollment of herself and four children as Cherokee freedmen: being sworn and examined by Commissioner Needles, who testified as follows:

Appearances:
Mr. Smith, of McLaughlin & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Sallie Rowe.
Q How old are you? A What do about 30 I guess.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Coweskoowee.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many? A Nine.
Q Nine children with you? A I say I have got nine.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q What is your father's name? A Daniel Rowe.
Q Is he living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of theroll of the Cherokee Nation? A In the Vallies Tuck.
Q You say you have never been married? A No, sir.
Q And got nine children, what do you call all of these children, Rose? A Yes sir.
Q You have got five under 21 years of age, what is the first one named? A Lubertha.
Q Lubertha, is, next one again? A Yes sir.
Q She is 19? A Yes sir.
Q Next one Daniel? A Yes sir.
Q He is 14? A Yes sir.
Q Next one, what is the next one? A Eva.
Q Eva is going is is she? A Yes, sir.
Q And what is the name of the next one, Rose? A Harvey, seven years old.
Q Did you know what is known as the Dick Fennell? A No sir.
Q Where were you born? A Born in the Vallies Tuck.
Q Those children all born in the Vallies Tuck? A All but the oldest one.
Q You were a slave? A Yes sir.
Q Who did you belong to? A Dick Fennell.
Q You be a Cherokee? A Yes, sir.
Q Have you been a Cherokee by blood? A Yes sir.
Q Were you taken out of the nation during the war between the States and brought? A Yes sir.
Q Where? A Went out of my mother.
Q When did you return to the nation? A [illegible]
Q Did either A [illegible] and brother.
Q And you have been living in the Cherokee Nation ever since that? A Yes, sir.
Q In the parish
Q [illegible] A [illegible]
Q [illegible] your parents? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible]

Q Where? A At the old Asylum to my old boss' place on Grand rivers.
Q How far from Vinita? A I don't know.
Q Is it the Old Orphan Asylum? A Yes sir.
By Mr. Hastings:
Q How old are you now? A [illegible] I don't know my age exact.
Q What was your father's name? A Daniel Vann.
Q He came back with you did he? A Yes sir.
Q Your mother came back with you? A My mother died in Kansas.
Q At what place? A At Humboldt.
Q You came down here then from Humboldt, Kansas? A No, sir, mother died when we first went to there.
Q Was our father in the army? A Enlisted in the militia.
Q What place in Kansas did you come from when you came down here?
A Ft.Scott.
Q What were you doing up at Ft.Scott just after the war? A We just lived there.
Q Did you have any children up there? A I had one.
Q Born up there? A Yes, sir, the oldest one.
Q Born in Ft.Scott? A Born in the neighborhood there: we lived in the country.
Q Was you living with a man then as your husband? A No sir, I never had no husband.
Q Who were you living with when that child was born? A With my parents.
Q That child alive now? A Yes sir, grown up and got children.
Q What is his name now? A Eddie.
Q How old is Eddie? A: He must be something near 18 years old I reckon; that's why we put it down.
Q You applied for Eddie before the Kern-Gillian commission didn't you? A Yes sir.
Q You remember that you gave his name in at that time? A No, sir, I don't.
Q You remember whether or not you gave his name in as [illegible] he was: have been 20.
Q Do you remember whether you gave his age in at that or not?
A I don't remember whether I did or not.
Q How old was Eddie when you came down here? A He was [illegible] about 2 months old.
Q Where was Jerard born? A He was born here.
Q Where? A On Big Creek.
Q You came from Kansas to Big Creek? A Yes sir.
Q You know Albert Lewis? [illegible] Albert Lewis? A Yes sir.
Q He was living there on Big Creek [illegible] when you came? A No sir, I don't remember having him.
Q How far did you live from him? A [illegible] miles [illegible] from the place.
Q You all lived pretty [illegible]? A [illegible]
Q How long was it after you got there until you saw him? A I don't know how long it was.
Q Was he living up there when you were living? A [illegible]
Q Did Albert Lewis live [illegible] when you came down? A Yes, sir. [illegible] Will Lewis.
Q Did they have a little house on [illegible]? A No sir, [illegible] I never said [illegible].
Q And [illegible] Lewis there? A [illegible]
[illegible]

Q Convicted? A Yes, sir.
Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.
Q Who did the property belong to? A I didn't know, I don't remember.
Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.
Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin?
Q Yes. A No sir, I didn't state that.
Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.
Q How far did you locate from Coffeyville? A We call it 16 mile from out house to Coffeyville.
Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitmire, and uncle Mike and Mart Whitmire, and old Andy Daugherty there was a good many of them.
Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.
Q You came straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.
Q Born there? A Yes sir.
Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.
Q Are you any kin to him? A No, sir.
Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cold.
Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.
Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe: George aint with my children at all.
Q How much older than George is Eddie? A There is one dead between them.
Q How much difference between the ages of Eddie and George? A I don't know there is a boy between them, dead.
Q Well now about the difference in the age of them two? A I can't tell, because I don't know.
Q Well what is the difference between George's age and Nell's age?
A Nell is 27 last March and George ought to be 30 I reckon.
Q Well you have the difference between [illegible] Nell's and George's age, why don't you know the difference between George's and Eddie's age? A Well I say there is one between them children that's dead.
Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.
Q You raised them both didn't you? A Yes, I raised them right there of I I think.
Q Can't you tell us how much older than George Eddie is? A Must be something like five years I guess.
Q You saw Jim Alberty first after the war did you Big Creek?
A Yes, sir, he came to our house.
Q How long did he stay there? A He was around in the neighborhood several days.
Q You don't know what month it was, in the fall? A Well when he came to our house it was something like [illegible]
Q About October was it? A Yes sir, [illegible]
[illegible]
Q You know William Eddie? A Yes, I know Bill Eddie.
Q How far did he live from you at that time? A About eight miles.
Q You have lived there ever since have you? A Yes sir.

Q Did Sam Wallace usually living there at that time? A He lived upon Snow Creek.

Q Not far from your? A About 12 miles.

Q For the living up there when you moved up there? A I don't know, we never went down and nowhere.

Q It were your nearest neighbors there? A Harvey Williams and Bart Williams and uncle Andy and daughter.

Q How far did you live from uncle Andy Daugherty? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, sides what the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We call him Eddie Wallace. They mostly go by my name, Reed.

Q Now the next one? A Golden Randy he went with me though.

Q Well the next one? A Boyl Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Hattie.

Q Any others? A Lubertha.

Q Well that brings you down to the ones you have here this morning?

A Yes, sir.

By Gov't Attorney:

Q Do you want these children enrolled as Reed? A Yes sir. They have always went by that name.

Mary Wright, being duly sworn for Gov't Rebuttal, testified as follows:

By Mr. Smith:

Q State your name? A Mary Wright.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 22 and 2 years.

Q You know this applicant, Delilah Reed? A Yes sir.

Q How long have you known her? A Since her was about a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir. She was a slave at Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Ross live when she was connected with the old asylum. Where did Lewis Ross live? A In the Cherokee Nation? A Yes sir.

Q Where was Delilah Reed when the war commenced? A I don't know sir. Whether she was right there or not.

Q Was she at that time under the war department? A Yes sir.

Q Was she a slave? A Yes sir.

Q Was she [illegible] Reed.

Q [illegible]

Q [illegible]

Q [illegible]

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Wimer, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q Moss, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir

Q Your father's name was Riley McNair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McNair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we come down in the fall.

Q Moss, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand River? A Yes sir.

Q Now how far is Grand River from Big Creek? A I don't know, sir, it must be maybe 35 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McNair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it? the fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors over on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived adjoining Mr. [illegible]?

A Martin Thompson, he probably lived there on what was called the old Cooley place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago?

A No sir.

Q How long after you saw her on Grand River was it until you saw her up on Big Creek? A I was her after I came from Kansas, and in [illegible].

Q You started talking to testify just what year you say her down on Grand River? A No sir.

Q You was just speaking as to the general number of years after you returned until you saw her down there? A No sir, I didn't tell exactly.

Q Did many people have nothing to do at Grand River then? A No sir only. They were [illegible].

Q You did not have occasion to remember who owned the place they lived on? A No colored people that was living back in the Nation did not [illegible] there I went up there [illegible].

Q How far was the McNair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Com'r Needles:

Q Does Big Creek run into Grand river? A No sir.
Q Big Creek runs into the Verdigris? A Yes sir.
Q You states it was 35 or 40 miles from Big Creek to Grand river?
A Yes sir, it is.
Q Well to what points -- well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Jim Alberty.
Q How old are you? A Near 70 years old.
Q What is your postoffice? A Choutean.
Q How long have you lived in the Cherokee Nation? A 70 years.
Q Do you know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A I have knowed her from a small child.
Q Was she a slave before the war? A She was born a slave.
Q Whose slave was she? A Lewis Rose.
Q Was Lewis Rose a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Over here where this Orphan Asylum is.
Q In what nation? A On Grand river. In the Cherokee Nation.
Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right close to her old home, come there and visited her daddy and her with him.
Q Who was with her? A Her daddy, Daniel Rowe.
Q Where was that you saw her? A In the Cherokee Nation, on Grand river.
Q When was it? A It was in 66.
Q You know about what time of the year? A Yes sir.
Q What time? A It was in the fall, as well as I can recollect.

By Mr. Hastings:

Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.
Q You don't remember the month? A No sir, I don't know the month.
Q You just happened to run across her father coming up there?
Q No sir, I was hunting a horse, some Indian stole from Rabbit Rave here.
Q Where was he at that time? A He was working here by his old master's home.
Q There on Grand river? A Yes sir.
Q Down close to the Orphan Asylum? A Right there.
Q Right at the Orphan Asylum? A Yes sir.
Q Was that Orphan school there? A No sir, building there.
Q Was he in a tent? A Yes sir.
Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.
Q Did you get the girl off and talk to them? A I stopped and talked to them a good time.
Q Stay all night there? A Yes sir.
Q Stayed there an hour or two? A Yes, sir, one day.
Q Did you notice have them particularly? A Yes sir.
Q Did have any children there then? A I think she had one child there, she's a child there, and I looked around's with the old lady have one and I took it to my hand.
Q Was it a boy or a girl? A It was a girl. I guess it was an little, it had a grand one, I don't know what it was exactly.
Q Did it appear to be? A Yes sir.
Q Well? A It could stand up or a [illegible]

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there camped? A No sir.

Q Iha. was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it we took the census before, the Kern-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q What year is this Jim? A Why you keep asking me something that I don't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A 'ee?

Q Yes? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this Ibet money? A That's the same question; I can't answer it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you next see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir. Little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Tell this girl, she is a woman now? A I can't tell, I never notice children.

Q How far did you live from her? A I lived about 12 miles.

Q From her? A From Lewis Rogs.

Q Do you remember positively having seen her before the war?

A Yes sir, seen her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you think it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q [illegible]? A [illegible].

Q Indians? A Yes sir.

Q Who did you belong to when the war came on? A [illegible] Liberty.

Q Are you the same Peter that Mr. [illegible] testified was sold out to a white man [illegible] - he testified in your case?

A [illegible]

Q [illegible]? A Yes sir.

Q [illegible] in the army at Little Rock? A Yes sir.

[illegible]

[illegible]

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 138 #3877, Delilah Rowe, Coowescoowee District.
Page 138 #3882, Luvitha Rowe, Coowescoowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, and name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined, by Com'r Needles:
Q Did Sophia get by any other name besides Rowe? A No sir.
Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
Q Well she must apply for herself if she is married; is Lubertha married? A No sir.
Q Did you draw what is known as Strip money or the Kern-Clifton money, for these children? A No sir.
Q Is Lubertha alive at this time and living with you? A Yes sir.
Q Is Daniel living with you? A Yes sir.
Q Eva? A Yes sir.
Q Harvey? A Yes sir.
Q Sophia, I understand then is married? A Yes sir.
Q Who to? A William Whitwire, and Harris is married.
Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Rowe applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1883 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit; Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any part of the rolls of the Cherokee Nation. The applicant swore that she was a slave, - as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence. Consequently, Delilah Rowe, has a right to Lubertha Rowe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee freedman on a doubtful card. It will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission. The applicant will be notified by mail as to the action of the Commission in the premises.

I, [illegible], being duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in the foregoing case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Signed, [illegible].

Subscribed and sworn to before me this [illegible], 1921.

Signed, [illegible], Commissioner.

I, [illegible], being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in the foregoing case and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this the [illegible] day of [illegible], 1921.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 13, 1901.

In the matter of the application of Sophia Whitmire for enrollment as a Cherokee Freedman.

Sophia Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sophia Whitmire.
Q How old are you? A 17 years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee district.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Whitmire.
Q What is your mother's name? A Delilah Rowe.
Q What is your father's name? A I don't know.
Q Your mother living? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No, sir.
Q Is your husband a citizen? A Yes, sir.
Q Is he here? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant's parents not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw strip money? A Yes, sir.
Q When were you married? A The 16th of last March.

The Kern-Clifton roll examined and the applicant not identified thereon.

Commissioner: Sophia Whitmire applies for the enrollment of herself. She avers that she is the child of Delilah Rowe, who has this day been listed for enrollment on D card 748, and the testimony taken in the case of said Delilah Rowe will be made part of the record in the case at bar, and a copy thereof filed herewith. She cannot be identified upon any roll now in the possession of the Commission. She avers that she is now married to one William Whitmire. She makes satisfactory proof as to residence, consequently Sophia Whitmire will now be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be notified by mail of the action of the Commission on her application.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 9th day of July 1901.

[illegible]

[illegible]

File with Cherokee Freedman D-753, Sophia Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
~~Mellette & Smith, attorneys for applicants;~~
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.
Q How old are you? A I was 60 the 9th of last March.
Q Where do you live? A I live in Lynn County, Stanton Township.
Q What is your postoffice? A Mapleton.
Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1868 up to the present time and living there yet when I am at home.
Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.
Q Did you know one by the name of Delilah Rowe? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Daniel Rowe.
Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.
Q How far did they live from you? A About half a mile.
Q Well, how long did they continue to live there near you? A They lived there until they moved to the territory here.
Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.
Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.
Q Did they come first or Jack Davis came first? A They came first, Mr. Rowe came first, located.
Q Why do you say he came first, was there any circumstances? A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.
Q Well, did you ever hear of any correspondence between them anyway that helps you fix the time or ever knew them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.
Q What place did you speaking about that he left? A I thought I told you on Mr. Davis' place. I didn't know of his living on any other place after I got acquainted with him.
Mr. Smith: How long did you say this Delilah Rowe lived there? A She lived there all the time her father did, with him.
Q What was her father's name? A Daniel Rowe.
Q Well, how long did he live there? A He lived there at the close of the war to '68 as near as I can remember.
Q How long did he stay? A Stayed until he moved to the territory.
Q Well, how long was that? A That was either in '69, in '70 if it be proper about Mr. Davis. He left the same year or later as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you got down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination: if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that: you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the Commission than anything in the world: he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q That was the date that the child that you fix this date by was born on? A June 24.

Q That year? A 1866.

Q When was the next one born? A It was October 26.

Q What year? A I forget the year now, it is recorded in my bible, it was October 26, I forget the year.

Q How much older was the first child than the second one? A My boy: I guess older. Let's see, I can't count that up. My oldest girl was born June 24. I was telling you, and the next one I forget the date of the year, but it was October 26, and I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I know the day of the month.

Q Well, was it the next year after June 24, '66? A After this next boy, yes, sir.

Q The last one, not the youngest, the first one? A The one that died, it wasn't long than I guess between the one that died and this one I was telling you that; have the date of October 26, there was quite a difference between that and.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q That year? A That was in '65.

Q April 28? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~xxxxx~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the north of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes: when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war: you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long through? A They came there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the territory.

Q How long was that? A Well, as I told you, they came the year, or the year after that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved back? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she stayed around? A She was away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she came back? A When her father moved on the place there.

Q What was the spring after the war about? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, and that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there.

Q You think she was as much as 10? A I can't say, it is just guess work. My scares she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman? A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when the child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't because Mr. Davis didn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time: you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that? you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I don't tell you how long.

Q Well, didn't you say in your examination that David moved, that you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part or the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66, you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I knew by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis goodbye. The child called girl of the way and that was in '67, that child could walk or talk, that Mr. Davis was there in the winter.

Q Then the child was? A The child was that same W as the [illegible] part of the winter of '66? A Yes, the [illegible] part of the winter of '66? A Yes, the [illegible] part of the winter of '66? A Yes, the [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

a letter when he was living there and Mr. Rowe brought the letter to my husband to read it. He couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not. Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '88.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freeman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-455.

****

Bruce T. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce T. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

Cherokee Freedmen D-753.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sophia Whitmire as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on June 18, 1901, Sophia Whitmire appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman. Proceedings had at Nowata, Indian Territory, in the matter of the application of Delilah Rowe et al., for enrollment as Cherokee freedmen, on June 18, 1901, and at Vinita, Indian Territory, on October 14, 1901, are filed with and made a part of the record herein.

The evidence shows that Sophia Whitmire was born subsequent to 1866 and is the daughter of one Delilah Rowe, who was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. Sophia Whitmire could acquire no rights not possessed by her said mother. Her said mother cannot be identified upon the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sophia Whitmire as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible]

[illegible]

[illegible]

[illegible]

Dated at Muskogee, I. T.,
[illegible]

F.P. 75-3

Proof of Service made
and original filed with the

Proof of Service made
and original filed with the
FAFEX COMMISSION.
CIT
OCT 1 1981

NOTICE!

IN THE MATTER OF the application of Sophia Whitmire for enrollment as Cherokee Freedmen:

Case No. F. D. 753

To Sophia Whitmire Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

N. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Sophia Whitmire.

753

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1906.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Muskogee, I. T., this ____ day of _____, 1906.

MILL, MATTHEWS & MATTHEWS,
Attorneys for Cherokee Nation.

By _____

m09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-753.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Sophia Whitmire as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-42.

MDG

COMMISSIONERS
TAMS BIXBY.
THOMAS B NEEDLES
C R BRECKINRIDGE
WM O BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 766

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 26, 1904, rejecting the application for the enrollment of Sophia Whitmire as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 1, 1904.

Respectfully,

Chairman.

Cher. Fr. D-754

Cher. Fr. D-754

File with Cherokee Freedman, D- 75 H. Jesse Roach

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie (Goody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.
Q What is your postoffice address? A Nowata.
Q What district do you livein? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A Igot six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 26.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Gertie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Goody.
Q What is your husband's name? A I got my papers here. My firs' husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.
Q Have you been married twice? A Yes sir, I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband now is Blackwell.
Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.
Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the six day of February, 1898.
Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know, Mr. Thompson was divorced, I guess he married again.
Q Is Gertie Tinnon your child? A That is my niece.
Q Have you any children of your own? A No sir, one but a boy.
Q What is his name? A Thomas Ross.

Q Is he your child? A Yes sir.
Q You are the mother of Thomas Ross, are you? A Yes sir.
Q How about this Gertie Tinnon, you say she is your niece?
A Yes sir.
Q What is her mother's name? A Dicey Tinnon.
Q Is she living? A No sir, she is dead.
Q What relation is Dicey Tinnon to you? A My sister.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A Mary and Tom Sanders.
Q Were they citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Choctaw Nation.
Q You were not taken any further South than in the Choctaw Nation?
A No sir.
Q When did you come back? A I come back in '66; I come to Gibson.
Q You come to the Cherokee Nation in '66? A Yes sir.
Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and come again.
Q When did you go back to the Choctaw Nation? A I went back after '66, come to Webbers Falls in '66.
Q When did you come back from the Choctaw Nation the second time?
A Come back - I forget.
Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first come here.
Q And then come back here? A Yes sir.
Q Did you marry down there? A Yes sir.
Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
Q What was his name? A Albert Thompson.
Q Albert Thompson was a Choctaw then? A Yes sir.
Q Have you ever applied to be enrolled by the Choctaws? A No sir.
Q Have you got any children by Thompson? A Yes sir.
Q They are grown, are they? A Yes sir.
Q Where was Thomas Ross born? A Over here on Panther Creek.
Q Where was Gertie Tinnon born? A On Panther Creek.
Q Both in the Cherokee Nation? A Yes sir.
Q Your sister Dicey is dead? A Yes sir.
Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
Q Did she go out with you to the Choctaw Nation? A Yes sir.
Q Did she come back with you? A Yes sir.
Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
Q Did she come back to the Cherokee Nation with you? A Yes sir.
Q And she lived in the Cherokee Nation then until she died?
A Yes sir.
Q Have you got any proof, any witnesses? A Yes sir.
Q Who are they? A Charles Chambers and Joe Liberty.

The land authenticated roll and the land patent roll of the Freedmen of the Cherokee Nation examined and the name of the applicant and her descendants are not found thereon.

The Kemp Clifton Roll examined and the name of the applicant is found on page 164, No. 6114, Kemp Creek, Cherokee County District.

Q Did you ever receive for Gertie and you? A Yes sir, the land patent.

The Kemp Clifton Roll examined and the name of Gertie Tinnon is found on page 171, No. 6414, in Cherokee County.

Q Now to the case of the child, you have children you want to enroll? A Lennie Thomas.
Q How old is Lennie Thomas? A About 12 years old.

The Kemp Clifton Roll examined for Lennie Thomas and the

name is found on page 171, No. 4213, in Cooweescoowee District.

Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Vann.

Q Want he enroll him? A No sir, he aint been here to enroll him.

The Kerns Clifton Roll examined and the name of the applicant's son is found on page 171, No. 4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross

L. R. Bell: You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him -- we don't want two put on? (No answer).

Q Where was this child born at? A Born right over on Panther Creek they were all born over there.

Q How long has his mother been dead? A I reckon she has been dead about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace Payment.

Q You married in the Choctaw Nation after you went back in 1866?

A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Cherokee Nation when you came back?

A I came to Webbers Falls and when I last returned I came to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q But say you came to Gibson, did you stop there any length of time? A When I came, I came to Webbers Falls: I came from Webbers Falls to Gibson, and then I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Sarage.

Q Aint she dead? A I don't know.

Q Name a live one? A I don't know. Parks was here and Thompson.

Q Those Parks were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Vann's place and from there to Sherman Rose' place.

Q You stayed at Henry Vann's place the first time after you came back from the Choctaw Nation? A Yes sir.

Q Those Parks knew you? A Yes sir.

Q You came directly to Webbers from the Choctaw Nation and on to Tahlequah? A Yes sir, when I first came back of the Limits.

Q Leave that out, and go to where you started from the Choctaw Nation the second time? A I came through to Webbers Falls and stopped one year at Gibson.

Q You said you came to Webbers Falls, stayed a year, came to Gibson and stayed a year and then went back to the Choctaw Nation? A If that I stated it so. I said I came to Webbers Falls and from Webbers Falls to Gibson and stayed there one year, and then went back to

the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A I come to Gibson and from Gibson to Tahlequah.

Q You come through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Neve's place one year?

A Yes, sir, one year.

Q [illegible] being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q How old are you? A Seventy years old.

Q What is your postoffice? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, Katie Blackwell? A Yes sir.

Q How long have you known her? A I have been knowing her ever since the war commenced.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She belonged to James Sanders.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the Nation.

Q Where did she go to? A To the Choctaw Nation.

Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '66.

Q You saw her in '66? A Yes sir.

Q Where? A I saw her at Gibson the first time.

Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.

Q After that? A Yes sir.

Q Where did you see her after that? A I never seen her no more after that. I never seen her anymore until she come back again.

Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.

Q How long, five or six years? A Yes sir, as much as five or six years.

Q Have you seen her occasionally since that time? A Yes sir.

Q She has lived in the Cherokee Nation since that time? A Yes sir.

Q Do you know her children? A I know them when I see them; I just can't name them all.

Q Do you know Sarah Thomas? A I know her, yes, sir, when I see her.

Q Do you know the boy, Lucius? A Yes, sir.

Q Is he living? A Yes, sir, he was living with her when I first knew him.

Q You don't know whether he is alive to-day or not? A No sir. I don't.

L. B. Bell? What time in the year was, did you say this applicant?

A It was along in the spring when I seen her.

Q What is along in April or May? A Somewhere along there; I couldn't tell you the month, [illegible] the grass and leaves were out.

Q Was you living in Gibson then? A I was [illegible]

Q Just visiting around? A Visiting around, sir.

L. B. Bell of applicant: Who brought you back to Tahlequah [illegible]?

A [illegible]

Q Among the [illegible]? A No sir.

Q Where did you [illegible] when you started back to Tahlequah [illegible]?

A I started [illegible].

Q Where did you start from? A From the Choctaw Nation.

Q The Choctaw Nation is a good [illegible] place? A [illegible] good.

Q Did Sam Langston's [illegible] good? A Yes sir.

Q Going to [illegible] home? A Yes sir.

Q. What time of the year did you start from there in 1866?
A Why it was along in the spring.
Q The grass was up, was it? A Yes sir.
Q How did you come? A Come by wagon.
Q About how long was you on the road? A Well, I don't know, sir, how long we were on the road.
Q A month, I guess it was one hundred miles or two? A I guess it was, I don't know how far it is from here to the Choctaw Nation.
Q I mean from Thompson's Salt Creek down to Webbers Falls? A I don't know how far.
Q Were you as much as three weeks on the way? A Yes, and maybe four.
Q How long did you stop at Webbers Falls? A We didn't stop very long at Webbers Falls.
Q A week or two? A About one week or two.
Q An then you came to Gibson? A Yes sir, came right on through.
Commissioner of Applicant: Your first husband's name was Thompson?
A Yes sir.
Q Your second husband was Blunt? A Yes sir.
Q Your third husband was Blackwell? A Yes sir.
Q What was your father's name? A His name was, as good as I can recollect, his name was John Fox.
Q Do you know what your mother's name was? A Martha Downing.
Q Who did you say you belonged to? A Mary Sanders and Tom Sanders.
L. B. Bell: Are they both dead? A My master is dead. I don't know whether Mary is dead or not.

JIM ALBERT, being sworn and examined by Commissioner L. B. Needles, testified as follows:
Q What is your name? A Jim Albert.
Q How old are you? A 72 years old.
Q What is your postoffice? A Choutosu.
Q Are you a Freedman? A Yes sir.
Q Your name is not on the roll of 1880, is it? A No sir.
Q Do you know the applicant here, Katie Goody or Katie Blackwell?
A Katie Goody, yes sir.
Q Was she a slave before the war? A Yes sir.
Q Who did she belong to? A To the Sanders.
Q Do you know whether she was taken out of the Cherokee Nation or not during the war? A Yes sir.
Q Where to? A She went South.
Q To the Choctaw Nation? A Yes sir.
Q Do you know when she returned? A Yes sir.
Q When? A In '66.
Q How do you know that? A I saw her at Gibson in 63.
Q Do you know how long she stayed in the Cherokee Nation at that time? A No sir.
Q You don't know whether she went back to the Choctaw Nation or not? A No sir.
Q But you saw her in '66 in the Cherokee Nation? A Yes sir.
Q Did you know her then? A Yes sir.
L. B. Bell: What time in the year of '66 did you see her? A It was like it was another. I don't know exactly what time.
Q Was it summer or spring? A I think it was summer. It was warm.
Q Were you living then at Gibson? A No sir, I never lived at Gibson. Never was there but three days at a time in my life.
Q Did you just happened to be there that day? A Yes sir, I used to go there pretty often.
Q Did you see her there pretty frequently for the next two or three years? A No sir.
Q Did you see her regularly? A No sir.
Q You saw her at that time? A Yes sir.
Q Where did Mackey live when she belonged to? A They lived close to Fort Gibson at that time. I reckon it is [illegible]
[illegible] Fort Gibson. In which direction you mean, do you?
A Yes, sir. I thought so you first.
L. B. Bell: Have you ever at the house? A Yes sir, I have been

[illegible]

[illegible] of the header. What do you sight at their house, I and then we [illegible]

Q Some someone in that neighborhood? A I wasn't acquainted there.

Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sandy's aint the first people that raised them.

Q They were raised on a place with you? A Yes here, the [illegible] people.

Q I am asking you what you know about her? A I will tell what I know about her.

Q You don't know where she did live, only that she lived in the nation? A That is all. I never saw her anywhere.

Q You never seen her until you met her in jail? A Yes sir, I saw her before.

Q Where did you see her before? A On Sandy Creek near the Whitewater place.

Q That was a creek down in Bolingsville district, isn't it?

A I don't know where it was.

Q What did you understand by Peavine? A That is what they called it, the Creek, Peavine.

Q Was you ever down on Peavine? A Yes sir.

Q When? A Before the war, I come from there.

Commissioner Needles: You say Sanders lived in Flint District?

A I don't know anything it was down in that way.

Q You are not positive whether it was Flint District or not?

A No sir.

Commissioner of Applicant: You know that these three children, Cattie Finson, Lunnie Finson, are those boys who are also now are here?

A Yes sir, I brought the little girl with me.

Q Where is your boy? A He is in jail.

Q Who is Lunnie living with? A He is living with Johnson Tyner.

Nibbe Blackwell applies for the enrollment of herself, her sister's children, Cattie Finson and Lunnie Finson, and her child, Thomas Ross. She avers that she was a slave of the Sanders family and for Sanders. She avers that she was taken out of the Cherokee Nation into the Creek Nation, and returned to the. Her name is not found upon the authenticated roll of 1896, nor the census roll of 1896. Her name is found upon the Dawes children Roll, and the name of the three children, Cattie Finson, Lunnie Finson and Thomas Ross, are found upon the Dawes children Roll. She avers that she was married three times: first, to Thompson; second, to [illegible] or Grady, and third, to her present husband, John Blackwell. She is duly identified according to rules and number of the roll as indicated in the testimony, and makes satisfactory proof of to residence. By reason of the fact that her name is not found upon the authenticated roll, she or the guardian of the Dawes children, the [illegible] children of [illegible] hereafter hereby will be limited for [illegible] Proceeds view of [illegible] of the Dawes children, [illegible] 'A day time, she [illegible] of the [illegible]

[illegible]

. . . . . .

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Jesse Roach for enrollment as a Cherokee Freedman.

Jesse Roach, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jesse Roach.
Q How old are you? A Well, I don't know exactly, I expect pretty near 40 years old.
Q What is your postoffice? A It has been Hayden, I live over here now, I don't know the name of the postoffice where I moved; it is Gellette now.
Q That in Coweescoowee district? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Well, yes, sir.
Q You don't apply to be enrolled as a full blooded indian, do you?
A No, sir.
Q Who do you want to enroll besides yourself? A Myself is all.
Q Are you married? A Yes, sir, but my wife is already enrolled
Q Is your name on the roll of 1880? A I don't know, I guess it is.
Q Is it on any of the rolls that you know of? A Yes, sir.
Q What roll are you positive it is on? A It was put on the Wallace roll, I don't know whether it is on there or not.
Q Did you ever draw what is known as the Kern-Clifton money? A Yes, sir.
Q What is your father's name? A Jesse Roach.
Q Is he living? A No, sir.
Q What is your mother's name? A Katie Blackwell, used to be Katie Coody.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 171, No. 4283, Coweescoowee district, as Jess Roach.

Q Is your mother Katie living? A Yes, sir.
Q Has she been here to be enrolled? A She has already been enrolled, yes, sir.

The Wallace roll examined and the applicant identified thereon, page 175, No. 3285, Coweescoowee district, as Jesse Roach.

Q Where were you born? A Being Cherokee.
Q Cherokee Nation? A Yes, sir.
Q Lived here all your life? A I have only when I have been travelling; I travel around a good deal once in a while, but not so far and not so long at a time.
Q Have you ever lived with your wife out of the Cherokee Nation?
A No, sir, never did live out of the Nation with my wife.
Q How long have you been married? A I guess it will come to five years.
Q Been living here all the time since that? A Yes, sir.
Q Were you married before? A I was married once before.
Q What of a have married? A Yes, sir, it wasn't right, I had to quit.
Mr. Needles, Cherokee citizen! Where was you married the first time? A Nowata.
Q Did you live with her there at Nowata? A Yes, sir.
Q Is Katie Blackwell living? A Yes, sir.
Q Was your wife alone or married? A Yes, sir.

Q Well,,were you taken out of the Cherokee Nation during the war or before, can you recollect? A No, sir, I don't recollect.

Q Where were you living when you can first recollect? A I don't just recollect, where I was living when I can first recollect, I don't know, I didn't keep no account of where I lived.

Q Don't you know where you were when you first recollect, what place you first recollect? A I don't tell you, I wasn't able, where it was at, when I first recollect, as near as I can remember I was here in the Nation.

Q Here in the Nation since you can rebellect? A Yes, sir.

Q You have always held the Nation as your home since? A Ever since.

Q Have you ever lived out of the Nation? A Not very long.

Q Where, in Kansas? A Just knocking around in Kansas.

Q Vote up there? A No, sir, they wouldn't let me vote up there, all the votig I done was here.

Mr. Hastings: Tell us what place in the Nation you were living when you can first remember? A I lived around Tahlequah quite a while.

Q That is where you can first remember? A No, sir, I don't think that is the first place I can remember, but I was just first one place in the Nation and another, and I can't tell just exactly right where I was

Q You don't remember where you can first remember then? A I don't remember where I can first remember.

Q When you were 10 or 12 years of age where were you living? A I was living most anywhere then, I didn't stay right around home.

Q Did you ever live anywhere in the past forty years? A No, sir, not very far; I don't understand you.

Q Have you ever lived anywhere? A Yes, sir.

Q Now when you was old enough, eight, ten, twelve or fourteen years of age, when you can have any recollection of it now, where were you? A Here in the Nation.

Q Where? A Living around ~~[illegible]~~ Barron Forks.

Q That was after the war? A Yes, sir, I was there a little while before the war I guess.

Q When you can first remember you were over on Barron Forks? A Yes, around Tahlequah and Barron Forks.

Q Were you with your mother? A No, sir, living around with the indians, first one and another.

Q Did you come back with them; did you stay with your mother during the war? A Yes, sir, I had to stay with her because I wasn't big enough to go anywhere.

Q How much of your life have you spent in Kansas? A Great weeks at a time and maybe months, and I would like to spend more, but I couldn't stay there, I didn't have the money.

Q What towns were you at in Kansas? A Fort Scott.

Q What were you doing up there? A Working.

Q How long did you work up there? A About a month.

Q Did you ever work any other town? A I was around Muskogee a little.

Q In Kansas? A Yes, I was down at Parsons and Oswego and Chetopa.

Q How long did you work in Parsons? A Not a day, just passed through and stayed over a night, and Oswego I didn't think it was big enough to work there, I didn't stay there.

Q Where are you living now? A I lived in town at this time on Muskogee road.

Q How long have you been there? A Many month.

Q Where did you come from there? A On Lightning Road.

Q How long did you live on Lightning Road? A I can't tell you, been there quite a while, since I was a child, since great a child.

Jesse Roach - 5.

Commissioner: Jesse Roach applies to be enrolled as a Cherokee Freedman. His name cannot be found upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony. He avers that he is the child of Katie Goody, now Katie Blackwell, who is listed for enrollment on D card 397, and the testimony taken in the case of Katie Blackwell will be made part of the record in the case at bar and a copy thereof filed herewith. Said Jesse Roach will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the disposition of his case, when the same is arrived at by the Commission.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 28th day of June, 1901.

Commissioner.

-R-

File with Cherokee Freedmen, D-734, Jesse Rosch.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 23, 1901.

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

HENRY BEAN, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Bean.

Q What is your age? A About 50, somewhere along about 50.

Q Where were you born? A Born in Missouri, I reckon, I came from Missouri, I don't know exactly where I was born.

Q Where did you go during the war? A Went to Texas.

Q Were you in Texas at the close of the war? A Yes, sir.

Q Where were you for the first two or three years after the war?

A I was there on the frontier and around about in Texas and there.

Q Well, about how long after the war was it before you left Texas?

A Well I reckon it was somewhere along four or five years, about five years I reckon, somewhere along there, I never kept no count of the time. I just guess about that time.

Q That is your best judgment? A Yes, sir, might have been longer.

Q Where did you go to when you first left the State of Texas? A When I first left there I went to the Choctaw Nation and then I went to the Chickasaw Nation.

Q Do you know Katie Blackwell, or Katie Scody? A Well, I don't know them by that name.

Q Well, did you know Katie Thompson? A Yes, sir, I know Katie Thompson.

Q Did she have a sister? A Yes, sir.

Q What was her sister's name? A She had one named Dicey.

Q Did you know Katie's mother? A Yes, sir.

Q And what was her name? A Her name was Martha.

Q Did Martha have any other children besides Katie and Dicey?

A Yes, sir.

Q What was their names? A One boy by the name of Charley Blackburn.

Q Was testified it did come the other day? A Yes, sir; she had a sister the name of Pauline.

Q Now, was this Katie married when you first knew her? A Yes, sir.

Q What was her husband's name that? A Albert Thompson.

Q What was Albert Thompson, was he a freedman? A Yes, sir, they were the children.

Q Did you ever know of her having anybody else or her husband other than? A No, sir, I don't know, I don't know.

Q Did you ever know of her living with any other man other than her husband? A Yes, sir, they had another man but that I don't remember who. I don't know the last name, I know she had married to him, I don't know the last name, I know she had married to him. I don't know what kind of a man he was but I guess he was a decent fellow, I guess he was somewhere but I guess he died in the war.

Q Do you know of her having married to anybody else after you came to the country? A Yes, sir, she married.

Q Do you know of her having married to anybody else after you came to the country? A Yes, sir, she was

knew her or not, I have forgot.

Q Now when did you know Katie and Missy and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee town, about eight miles below Cherokee town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle, it was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, How long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead, I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Katie Thompson and Missy Scarell and Temple Thomas and Ben Hallstock, and Mary Ann, that was her youngest child.

Q Was Temple married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Tell, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Temple come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Was all these people you have mentioned you brought up, did you?

A I brought up Missy and Temple in my wagon.

Q Well, these others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well sir I can't tell you.

Q I mean in this country? A Can't even believe? A Well we came through Fort Wilson.

Q How long did you stop there? A I didn't stop there just a few minutes, just stopped long enough and drove on through.

Q Did they say anything about having been moved? A No, sir. never said anything to me about it.

Q Made no mention about it? A No, sir.

Q You went on to Tahlequah? A Yes, sir. I came on out to Mr. Dennis' and have said left the Bagwell family, it was on the four Mile branch to Mr. Dennis'.

Q Was Katie married when you first knew her? A Yes, sir.

Q Was Missy? A Yes, sir.

Q Were they living house with there or not? What were they called?

A Well, when I first knew them they were not married women, they were in the house with the old lady, but they did have some courtship after that.

Q What were they going for? Living with Tempie? A Well, Bagwell was a lighthearted afraid and [illegible] would find [illegible] a little.

Q What was Bagwell doing? Bagwell worked? A Yes, he was just working around for wages, and helped a little [illegible]

Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Temple married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Slaghunn I think married down there.

Q Do you remember how many children Betsy had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jesse and Henry and a girl they called her nick name was Dude, I forget what her right name was, but they called her Dude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether Mosy had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I wont be certain about it.

Q Well did Temple Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.

Q Do you remember their names? A The boy, Will was his name.

Q Did you mention one of them by the name of Nancy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Nadlstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forgot them children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way; when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time them additions was put up at the seminary.

Q How far did these people live apart in the Chester Nation?

A The families?

Q Yes? A Well they lived, Temple lived about between half a mile and three quarters from their mother.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Ross down there? A Yes, sir.

Q Was he there when you first went over? A I don't know sir whether he was or not.

Q What other people lived around in that neighborhood, any Chickasaws or freedmen, people living there? A Yes, sir, Hash Lynchings and old Lady Bowell, I don't know her name, she had a son by the name of John Bowell, and there she had a son and a doctor, they all called him Doctor Bowell, I don't know what Hannah was only Bowell, and they was good like decent people, the others was Chickasaws, but old Chickasaw names, Jackson Choctaw and several others; there was another man lived right there where but I don't remember his name, I was well acquainted with him too but I have forgot him.

Q How about how long did you see you been there people there before you moved out with them? A About four years.

Q Do Bolivia? Do old man? A About all I think.

Q Do you a freedman citizen of the Choctaw Nation? A No, sir, I am not.

Q You claim to be? A No, sir.

Q Have any tribal rights, have you been treated there?

A [illegible]

Q [illegible]? A [illegible]

on the —

Q How long since you have seen her? A I haven't seen her for about eight or ten years I reckon.

Q How long has it been since you came here with her. How many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been?

A I can't tell you, without I sit down and it take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 26 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q What year did you go into the Chickasaw Nation from Texas?

A I don't know, sir.

Q Can't you give us idea? A No, sir, I can't.

Q How is it then that you remember the year you came to this country and don't remember anything else or any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what was done, and figured it up from that time.

Q Now look here, you don't know anything about the payment in 1875, you don't remember that any payment took place in '75 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '75? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1875 here? A Well they paid ten dollars here.

Q How do you know it was '75? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we must have come here in '74.

Q Why? A Because the money was paid out the next spring.

Q Well what year was that money paid out? A In '75.

Q How do you know? A Just because I know that I came here.

Q How do you know that that money was paid out in '75? Answer

Q How do you know that that money was paid out in '75? Answer that question: now answer it straight? A Simply because I was here when it was paid out.

Q Will you answer my question: how do you know it was here? A Well sir, I will tell you as near as I can come to it, the time they got up that money out there, I am going according to the time that there is people that figured up the time.

Q You figured up the time for yourself? A Well I simply know as nearly

Q You figured up the time for yourself? A Well I simply know as nearly

Q Are you going by the time that the people had figured it up for you, only I am going by the time that the people as nearly that this money was paid out, that the people as

[illegible] that is the way I get it.

Q Are you talking from what the people at home told you

[illegible] A Yes, sir, that is the way I do.

Q Now, do you know that the people that told you were [illegible]? A No Sir, I don't know the people who [illegible]

it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Henry and Jessie and these other children.

Q Who else was she the mother of? A Dude and I believe that is all.

Q Now give the names of Katie's children, all you know? A Well Jessie and Henry and Dude and Dan, Dude was a nick-name I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here (indicating Lucinda Blackwell and Ann Williams)? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years? A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jesse? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Ross? A Not as I know of.

Q You say that Katie Blackwell has a sister by the name of Divey? A Yes, sir.

Q What other name did she have besides Divey? A Divey Sorrells.

Q Did they ever call her Divey Tinnon? A I don't know, she might have got that Tinnon name after she came here.

Q I ask you if she was ever called Divey Tinnon? A I don't know.

Q You never knew of her being called Divey Tinnon? A They might have, that might have been her name.

Q Did you ever know of her being called Divey Tinnon? A Yes, sir.

Q What do you mean by hesitating that way: didn't you say just now that she might have been called that, that she might have married some man by the name of Tinnon? A Yes, sir, I said that.

Q And now you swear you don't know she was called Divey Tinnon? A Why I do.

Q When was she called Divey Tinnon? A I have heard of her being called Divey Tinnon the last time I saw, in the 1910 crop, that Divey Tinnon was it.

Q Why didn't you tell Mr. Hastings she was called Divey Tinnon? A I didn't know her by that name at that time.

Q You don't know any whether she was ever called Divey Tinnon? A I have heard she was.

Q Who told you? A Charley Blackwell, that is her brother.

Q Charley Blackwell? A Yes, sir.

Q You are giving the name right are you? A That is right as far as I know it.

Q You know this woman by the name of Katie Blackwell? A No, sir, I know her by the name of Katie Thompson.

Q You don't know how long these people you are talking about had lived there in the community before? A No, sir, I don't know anything about that.

Q You don't know whether they had been in the neighborhood before you came? A No, sir, I don't know.

whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful cases: D-327, Katie Blackwell; D-335, Lucinda Blackwell; D-334, Ann Williams; D-343, Winia Martin; D-338, Mattie Madden, D-629, Mattie McNair; D-754, Jesse Roach; D-756, Daniel Thompson; D-767, Henry Chambers.

HENRY SEAN, recalled by attorney for applicants, testified further as follows:

Mr. Mellette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter or a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.

Q What were you doing up on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek: Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, uncle Mose Whitmire, somewhere along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times. I said about ten years ago, I was guessing at the time. It might have been a little shorter time or might have been longer.

Q Did Hayden live there at that time? A Yes, sir, he lived out there.

Q What kind of a celebration was that? A The 4th of August.

Q Was it on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I don't know just how far it was. I don't know whether he had a store there at that time.

Q Did he or did he not have a store there? A I don't know, sir. I can't tell you.

Q Did he live there? A He lived there.

Q How far was that from his house? A I don't know, sir, I don't know where his house is. I was never at his house.

Q Did you see his house? A I never saw his house.

Q Where did you stay when you got up there? A I stayed at Lonnie Sims' and to Elias Wright's.

Q Where does Lonnie Sims live? A Lives there right there on Lightning Creek, and far from the celebration ground.

Q Was there any building there where they had the celebration?

A No, it was there just in the open woods.

Q No school house? A The school house was a little place from there, I never had gone in it.

Q No church house? A Church house by church house, no church house of that kind in the area where I was. I don't put my dependence in such things as that.

Q Did you only stay one day up there? A No, sir, I was right down the celebration ground, but I could, I could see the crowd up on

ing over there.

Q How long did you see this person at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the person you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

FRANK PACK, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 40.

Q You know Henry Bond, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '73 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Katie Thompson and Tiney Sorrells? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bond did. I seen them all just about the same time. They lived in about three miles and a half of where I lived. And stayed there a while and then in about '78 my mother died and we moved off and rented the place to some of them, they moved over on our place across the River and lived there one year.

Q How far is that from Tahlequah? A That is about six miles east.

Q Now say is that from Tahlequah? A Yes, sir.

Mr. Mellette: Now you say you first met this Henry Bond in '7'

Q Was he living in there somewhere.

Q How can you remember it was that year? A Because my mother died in '78 and I had seen them a while before she died. I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that much I don't think so.

Q What passed but few words? A Because I told you I believe she died in '78 and I seen them a little before she died.

Q What did I have my conversation with her about? A He was always around there. I didn't have much conversation with him.

Q Why did you decide? A [illegible] I don't know why exactly. First we moved [illegible] and then moved to place to change we lived people moved in there and then moved to place to change we lived and that makes me remember that.

Q Do you know how many children he had? A I couldn't say.

Q Do you know how many children Katie Thompson had? A I couldn't say.

Q Do you know how many children Tiney Sorrells had? A I couldn't say.

Q Do you know when Katie Thompson died? A I couldn't say.

Q Do you know when Tiney Sorrells died? A I couldn't say.

Q And you can remember it was '74 or '75? A Yes, sir.

Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.

Q Do you know John Bean? A Yes, sir.

Q When did you first see him? A I can't tell exactly, he was quite small when I first seen him.

Q Where did you first see him? A At Tahlequah.

Q When? A Along, I can't say exactly, he was a small boy.

Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.

Q Now Pack, Henry Bean came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.

Q Are you employed by the Cherokee Nation now? A Yes, sir.

Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.

Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.

Q You are kept here as a witness are you, too? A Not particular I don't guess.

Q Then what do you do for the Cherokee Nation? A Anything they want me to do; clean up the room, bring water, go and get the mail, anything they ask me I go and do it.

Q And you are willing to swear positively that Henry Bean came about Tahlequah in '75 or '75? A Yes, sir.

Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

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L. B. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.

Q How old are you? A 62.

Q What is your postoffice? A Vinita.

Q Mr. Bell, what was the date, if you know, of that first payment, that was made some eight or ten or twelve years after the war? A Well it was what we call the bread money, the first payment we had, was in '79: Some of them calls it the $20.00 payment, and the 4th dollar payment.

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Henry G. Jones, being duly sworn, says that he stenographically reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this the 8th of August, 1902.

[illegible]

Testimony of P. H. Mills.

File #[illegible]

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T. October 8th 1902.

Applicant's testimony in the matter of the application of Katie Black-Hall at al, C. F. D. [illegible]

Appearances:
W. T. Hastings for the Cherokee Nation.
Mellet & Buck for the applicant.

Patsy Johnson being first duly sworn states by Hon. T. B. Needles testified as follows on the part of the Cherokee Nation:

(By Hastings)
Q What is your name? A Patsy Johnson.
Q How old are you Mrs. Johnson? A About [illegible].
Q Where were you born? A On Caney at Nick Sanders.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q How long has it been your post office? A It has been ever since the war
Q Were you the property of Nick Sanders before the war? A Yes sir.
Q Where were you living at the close of the war? A Gibson, Fort Gibson.
Q What was your maiden name? A Patsy Sanders.
Q When were you first married? A I dont remember the year.
Q About how long after the war—your first husband was named Dennis
wasn't he? A Yes sir. Joe Brown.
Q What were you married to Dennis? A Most have been in '69.
Q In the spring or fall? A Fall.
Q What was Dennis doing at that about? A He was a soldier.
Q In the regular army? A Yes sir.
Q Wherever you married to him? A Fort Gibson.
Q Will did you continue to live there that year? A Yes sir a part of
that year.
Q Where did you go from there? A Fort Arbuckle.
Q Where is that? A Chickasaw Nation.
Q Did you know a colored woman who goes now by the name of Katie Black-
well, and she about that time was known as Katie Thompson? A Yes sir.
Q Where did you first know her? A Fort Arbuckle. In the Chickasaw Nation
Q When did you first know her? A In the last part of '68 I think it was.
Q What was Katie's husband's name? A Albert Thompson.
Q Did she have a mother living? A Yes sir, Martha.
Q What was her husband's name? A Old Thompson.
Q Did Katie have any children? A Yes sir.
Q How many children? A Three married at that time, two boys and
a girl.
Q Do you know what all there is and was? A Yes sir.
Q Do you know Charles Thompson? A I used to see him, not well acquainted
with him.
Q Did any of your children marry? A Yes sir.
Q What was the name of the other husband of Martha
[illegible]
Q [illegible]
Q [illegible]
Q [

Q Who told you that? A Dicey.
Q Well, that did she tell you? A That her mother and the rest of them had gone on to Tahlequah—she stopped with me.
Q You didn't see the rest of the family at that time then? A No sir.
Q Where were you living then when she stopped with you? A 7 miles from Fort Gibson.
Q How far from Four Mile Branch? A 2 or 3 miles.
Q Do you know if Dicey Sorrel had any children at that time? A Yes sir
Q What ones? A Two little boys and one girl.
Q What were their names? A Mattie was the girl, she was the oldest one, one boy named Morris and one Richard.
Q How long did they stay at your house that time? A 4 or 5 months.
Q Did they tell you then where they were from? A No sir.
Q Didn't say where they come from? A No sir.
Q Did they at that time say anything about having been here before, since the war? A No sir didn't say.
Q was Dicey Sorrel acquainted with where people lived in the country at that time? A I think not.
Q Was you acquainted with her before the war? A No sir.
Q What made her come to your house in '74? A I met her in Fort Arbuckle, our husbands were soldiers together.
Q Had your husband been a soldier with her husband before Sorrel married Dicey? A Yes sir.
Q They staid at your house 4 or 5 months? A Yes sir, something like that
Q Do you know Henry Bean who lived at Tahlequah? A Yes sir.
Q Did you see him at that time? A Yes sir he brought Sorrel's family to my house.
Q Who did you say Tempoy married? A Man named Thomas.
Q And Nan married Hailstone? A Hailstock.
Q Did you see Nan and Tempy at Fort Arbuckle in the Chickasaw Nation? A Yes sir.
Q From the time you left there way in '68 you never saw them until they came to your house in '73 or '4? A No sir.
Q After they came there did they talk to you about Fort Arbuckle? A Not much.
Q Do you know what Dicey's name is now? A I think she married a man named Tam r or Tinner, I was not quainted with him.
Q Where did they go from your place? A Went to Tahlequah.
Q Did you ever afterwards see Kate and the rest of the family at Tahlequah? A Yes sir.
Q Do they live there now? A No sir they moved up this way some where I dont know where.
Q Have you seen her since? A No sir.
By Smith)
Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A Miss Sanders.
Q Do you know who this [illegible] Kate belonged to? A No sir.
Q Where was you during the war? A Fort Gibson.
Q Did you go out at all? A Yes sir.
Q Where to? A Fort Arbuckle.
Q When did you get back? A I dont remember what time.
Q In '68 or '9? A No sir I began was away at that time.
Q You didn't go away until after the war ended? A No sir.
Q Where were you when the war ended? A [illegible]
Q Where were you the last year? A In Lewis Benson's place on the farm.
Q What year was that? A Year of the quakers.
Q '66? A No sir, '67.
Q What year did the war close? A '65 I think.
Q You lived there for two year after the war closed was you? A No sir, had got time enough.
Q Well what year did you move a crop on the place you lived on? A '66.
Q That was the year after the war closed you could get up, '65, '6, '7, '8 and '9.

Then it must have been four or five years after the war that you made a crop on that place? A Yes sir, he made the crop close to Gibson, across the river from Frank Smith's place.
Q What year was that? A I dont know what year.
Q You say you knew this woman in '69 in the Chickasaw Nation, now you don't know anything about '68 do you? A Yes sir.
Q You say the war closed in '65? A Yes sir.
Q And you say you made a crop the year after the war closed and that it was in '67? A He made a crop in '67 on the Lest Runton place and one the year before on the Frank Smith place.
Q Was it the year after the war closed? A (No year now)
Q You say it was in '69 that you saw this woman in the Chickasaw Nation?
A Yes sir.
Q How long had you been married when you went to the Chickasaw Nation?
A I married here that year.
Q What month? A In the fall.
Q How long had you been married when you went to the Chickasaw Nation?
A I dont know, I think——I married before I married Dennis——I wasn't married to Dennis when we made these crops——I married him as a soldier and went off with him.
Q You married him in '68? A Yes sir.
Q How long did you stay with him in Fort Gibson before you went to the Chickasaw Nation? A Not long.
Q How long, three month? A No sir, I dont know how long.
Q Was it a year? A No sir.
Q Was it six months? A No sir.
Q Three months? A No sir, it wasn't a month I dont think.
Q How long had you been in the Chickasaw Nation before you saw this woman Katie Blackwell? A Not long, they worked in the garrison there.
Q Was your husband still a soldier then? A Yes sir.
Q How did you go to Fort Arbuckle? A In a wagon.
Q Who went with you? A The man that was driving the wagon.
Q Was you and he along in that wagon? A Yes sir.
Q Was that all that went? A No sir the company of soldiers, the 10th Cavalry.
Q In '69? A Yes sir.
Q And your husband was a soldier then? A Yes sir.
Q How long was he a soldier thehere? A He was a soldier five years was his term.
Q How long had you been in Fort Arbuckle before he got ? A I dont know
Q Did you come back that same year or was it longer? A I dont know how long it was, soldiers moved about in such a shape that I dont know.
Q Tell me how you fix the date of '68——what makes you think it was '69?
A Because he was——I had one child before I married Dennis, it was born in '68 and in '69, the last part, I went away with the soldiers.
Q How old was that child when you went away? A 8 or 9 months.
Q How do you remember the child was born in '68? A I remember it very well.
Q Do you know the difference between '67, '8 and '9? A Yes sir.
Q How many children have you now? A Four.
Q What year was the next one born? A Dennis one.
Q When was the next one born? A '72.
Q When was the next one born? A Dave Ben——you can count it up, it is so [illegible] old now.
Q You don't know the year? A If I [illegible] it [illegible] I
Q You made the year the Indians [illegible] A [illegible] I
[illegible] there is lots of things that I don't remember. There [illegible] I [illegible] that happened a long time ago that I remember well. You [illegible] I don't remember [illegible] you [illegible] to [illegible]
Q You are in Fort Sill [illegible] year? A Yes sir.
Q It would take [illegible] A [illegible]

she was married.
Q Was she an old woman or a middle aged woman then? A I would call her a middle aged woman then.
Q Was she as much as 40 when you knew her? A I dont know.
Q What would you call a middle aged woman? A 35 or 30 I guess.
Q You think she was about that old then--did she have any children? A I think so, but I wasn't acquainted with the children.
Q Didn't she come to your house and stay? A No sir, Dicey did.
Q Who was Dicey? A Nate's sister.
Q Was it Dicey or Nate that you saw in the Chickasaw Nation? A I saw them all there, I was acquainted with both sisters and some of the family I wasn't acquainted with.
Q How many crops had you made before you went to the Chickasaw Nation? A We made two.
Q Where did you make the crop the first year after the war? A On Frank Smith's place.
Q Where the next year? A None.
Q Where the third year after the war? A The next crop we made we made on the Bayou.
Q When was that? A The year of the cholera, I know all my people died and I think it was in '67.
Q You know it was after the war when you made a crop on the Frank Smith place? A Yes sir My step father made a crop there; I dont think the war was quite closed then.
Q How many years was it when you made the crop on the Bayou? A I think he had tended another crop up on Fourteen Mile Creek I was not there though.
Q You never were at Webbers Falls during '66? A No sir never was there.
Q When did your husband quit the army, if you can tell me? A He quit the army in '72 I think it was that his time was out.
Q At what place did he quit? A I dont know where he was discharged, when he came home I was at home.
Q Where? A Where I am living Now
Q Fort Gibson? A No sir seven Miles the other side.
(By Hastings)
Q What is your best judgment as to how long you were at Fort Arbuckle? A 5 or 6 months.
Q What year comes before '66? A '65.
Q What year do you think the war closed? A '65, I think.
Q Were you in '64? A Fort Gibson.
Q Was the war going on then? A No sir, the war wasn't going on there, right there, they was fighting off from there I think; I was in the fort of Fort Gibson then.
Q You were married to Dennis in '69? A Yes sir.
Q You think you had been married a month when you went off with him? Yes.

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This will be filed and made a part of the record in the following cherokee Freedmen Identical cases D-197; D-784; D-786; D-787; D-153, D-154; D-[illegible]; D-438; D-434, D-434, D-436, D-537; D-538 and D-539.

oooOooo

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

[illegible]

Subscribed and sworn to before me this the [illegible] day of [illegible], 1906.

[illegible]

J. C. STARR,

Fort Gibson, I. T.

Department of [redacted]ior.

Penalty for private use, $300.

REGISTERED
SEP 13 1901
FT. GIBSON, I. T.

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no such offic name

Jesse Roach

~~Gillette~~

~~D.G.~~

Cher. Fr. D. 755

Cher. Fr. D. 755

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of John Morgan for the enrollment of himself and his wife as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

John Morgan, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Morgan.
Q How old are you? A About 64 years old, I guess.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Coweskoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Just me and my wife.
Q What is your wife's name? A Cynthia.
Q How old is she? A I think about 56 years old.
Q Is your name on the roll of 1880? A I can't tell you.
A Is it on any of the rolls? A I draved strip money.
Q How about your wife? A Well, she belonged to John Ross.
Q Is she on the roll of 1880? A Her mother is, her mother never was out.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.

Q How long have you been married to Cynthia, your wife? A Three years before the war.
Q Been living with her continuously? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

John Morgan on page 141, No. 3588, Coweskoowee district;
Cynthia Morgan on page 141, No. 3589, Coweskoowee district.

The Tallent roll examined, and the applicants identified thereon as follows:

John Morgan on page 148, No. 3588, Coweskoowee district;
Cynthia Morgan on page 149, No. 3589, Coweskoowee district.

Q You claim your right as a Cherokee Freedman? A Yes, sir.
Q Mr. Mellette: John, were you a slave in the Cherokee Nation during the war? A Yes, sir.
Q Who was your master? A I had a mistress, Nancy Morgan.
Q Was she a recognized Cherokee citizen? A She was.
Q Where did you live? A Lived at Tahlequah while I was there.
Q In the Cherokee Nation? A Yes, sir.
Q Did you leave the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A I went and stayed some in Philadelphia, Pennsylvania, and some in Kansas.
Q In Philadelphia, Pennsylvania? A Yes, sir.
Q Was that, I believe, in the Cherokee Nation? A No, sir.
Q Did you go with your mistress? A No, sir.
Q Where have you lived since the war? A [illegible]
Q Where did you live? A In the Cherokee Nation all the time.
Q Have you been with your mother ever since the war? A Yes, sir, with me.
Q Are you married? A Yes, sir, married.
Q Did you come to Tahlequah? A [illegible]
Q Did you live in the house in Tahlequah? A [illegible]
Q Do you know the house in Tahlequah? A [illegible]
Q Do you know the house in Tahlequah? A [illegible]
Q Do you know

and I never saw him no more.

Q Who owned your wife? A John Ross.

Q He was a citizen of the Cherokee Nation? A Oh he was the chief.

Q You say she returned with you at the same time you did? A At the same time.

Q Have both of you lived in the Cherokee Nation since that time?

A Yes, sir, got property, farms.

Q Do you know a woman by the name of Lucy Ross? A Yes, sir.

Q Who was she? A That was my wife's sister.

Q When did she return to the Territory, or do you know; before or after you did? A Afterwards, a year afterwards.

Q Where is she now? A Dead.

Q How long has she been dead? A I don't know, she has been dead three or four years.

Q You say Lucy Ross was your wife's sister? A Yes, sir.

Q Who furnished you transportation to come from Philadelphia here?

A Bill Ross brought them from Washington and gave it to us, there was seven of us colored people.

Q Well here is what purports to be a certificate of transportation issued to Lucy Ross? A That was here.

Q You say she didn't come till after you did? A No, sir.

Mr. Mellette: I want to introduce in evidence the certificate of transportation issued to Lucy Ross, dated January 23, 1867.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of this testimony because not the slightest ground on earth has been shown where it is either relevant or material; that it only purports to show that transportation was given to one Lucy Ross from Philadelphia to Memphis, and Lucy Ross is not connection in any way with the applicant, and it is not a circumstance, in the opinion of the representatives of the Cherokee Nation, that ought to be allowed to be introduced to encumber the record or confuse it.

Commissioner: Let it be filed for what it is worth.

Q John, have you ever been appointed as a guardian by the Cherokee courts in the Indian Territory? A I have, sir.

Q Is this your certificate of letters of guardianship? A I guess it is, I can't read or write.

Mr. Mellette: I desire to introduce letters of guardianship issued to the applicant by Watt Starr, Judge of Cooweescoowee district, dated the 28th of February, 1897.

Mr. Hastings: Comes now the representatives of the Cherokee Nation, and object to it, because it is no circumstance to show that the applicant is a citizen; that the three points necessary being that he belonged to a citizen of the Cherokee Nation at the opening of the war, that he returned here in accordance with the provisions of the treaty of 1866, and that he has resided here continuously since that time, and that the issuance of letters of guardianship to a person who has no rights of citizenship and who didn't come upon citizenship to get evidence of the settlement of the applicant as citizenship in the Cherokee Nation.

Commissioner: I think that is true, but let it go in.

Mr. Mellette: I desire to offer letters of guardianship issued to the applicant, Martin Morgan, by Judge Matt Thompson, Judge of Cooweescoowee district.

Mr. Hastings: The representatives of the Cherokee Nation, for the reason stated heretofore, object to this document.

Commissioner: I do not think it is any evidence at all

but it will take less time to put it in than it will to argue it.

Mr. Hastings: I believe you stated you were in Philadelphia with Chief John Ross? A Yes, sir.

Q You were there when he died? A No, I don't know when he died, I wasn't with him then; I never saw him since he came off to make the treaty.

Q. Didn't you state before that you came back after Chief John Ross' body was brought? A I don't think I did, according to my recollection.

Q Didn't you state that in 1898, that you came back here when Chief John Ross' body was brought back? A I didn't come with him.

Q You didn't make that statement? A I didn't come with him, I came back before he did.

Q I am asking you whether or not you made that statement when you were before the Kern-Clifton Commission? A I just -- I can't tell the months.

Q Did you state when you were before the Kern-Clifton Commission that you returned to the Cherokee Nation with Chief John Ross' body?

A No, sir, I didn't.

Q You and your wife returned together? A Right together.

Q Now how did you come from Philadelphia? A Why I came by cars and boats. What route you mean?

Q Yes? A I came out of Philadelphia and up to Johnstown, right through Johnstown to Harrisburg, and over to Cincinnati, and took the boat there and ran down to Memphis and then I stayed there four days, I had to wait for a boat, the boat didn't want to take me, and the commanding officer went down and told him he would tie the boat up if he didn't take me, and then I came down to Duval's Bluff, and took the boat up the Arkansas to Little Rock.

Q Where did you land? A At Fort Gibson.

Q What was the name of that boat that you came up the Arkansas on? A I can't remember.

Q Did you see Henry Riffert down there when you landed? A I don't know whether I saw him or not. I made a kind of a little mistake in mentioning about the months; when I went to work for Mr. Riffert I had made three crops of corn at Tahlequah, then when I made them three crops they sent for me and I went down there.

Q Didn't you testify before the Kern-Clifton Commission that Henry Riffert was standing on the bank of the river there when you landed?

A I did, but it was a mistaken.

Q You were mistaken? A I was.

Q Was Henry Riffert living down there at all when you returned?

A I got acquainted with Henry Riffert when I went to work for Mr. Riffert.

Q How long had you been back before that time? A I made those three crops of corn there; that was the mistake I made.

Q In whose place did you make your first crop of corn? A Tom Wolf.

Q That the Tom Wolf lives south of Tahlequah? A Yes, sir, down on Illinois River.

Q He has a brother named John Wolf? A Yes, I know them all, have worked about Tahlequah.

Q Now John, where was Tom Wolf living when you made your first crop? A He was living down the Hill there on the branch that is old Tom, not young Tom; that was old Tom Wolf's land.

Q Tom made a crop for old Tom? A Yes, sir, that is the man.

Q Did old Tom have any children? A Yes, sir.

Q Well, what were their names? A [illegible]

Q Is this Tom Wolf's son? A That is one I recognize.

Q And John Wolf his son? A Yes, sir.

Q Were these men there at that time? A They were [illegible] men.

John Morgan - 4.

Q What year did you make a crop for old Tom Wolf? A I can't tell you, I never kept no dates.
Q It was the next year after you came in? A Yes, sir.
Q What time of the year did you come back? A To Fort Gibson?
Q Yes? A The fall of '66.
Q In the following spring of '67 you made a crop there for Wolf?
A Yes, sir, the first crop.
Q O whose place did you make the second crop, the next year?
A Made it out there on Mrs. Ayres' place, she married Downing, then the next was my own, I traded for a place over there from a full bloods' Indian they called Cloud Tickatring.
Q Did you know Bob Ross before the war? A Yes.
Q When did you first see him after the war? A I believe I saw Bob in '67 I think it was
Q He was living there at Tahlequah at the time, wasn't he? A I believe he was.
Q Your wife came back and landed off the boat with you?
A Yes, both together, went out together and came back together.
Q How long did you stay at Fort Gibson? A I stayed there three or four days.
Q And you went direct to Tahlequah? A Went to her mother's.
Q What was her mother's name? A Chaney Ross.
Q Where did her mother live? A She lived down there out towards the asylum.
Q The insane asylum? A Yes, sir.
Q That is out south of Tahlequah? A Yes, sir.
Q About how many miles south of Tahlequah; four or five, three or four? A About five miles I guess.
Q It is about five miles? A I guess; it is out on the old Fort Gibson road.
Q Near where the insane asylum now is? A I think it is, somewhere along there.
Q Did you stay with her during that winter? A I didn't, my wife stayed there, I went on back towards Webbers Falls.
Q Who did you work for down at Webbers Falls? A I wasn't working.
Q Who was it sent you back from Philadelphia, gave you transportation? A Bill Ross.
Q William P. Ross, afterwards chief? A That is him, yes he is the man that gave me transportation.
Q John Ross wasn't there then? A No, sir, I didn't see John Ross after he came out to make that treaty; it was when peace was made.

Taking of testimony continued by Stenographer R. D. Reed.

Bruce G. Jones, being duly sworn, says that he participated in the examination of the Five Civilized Tribes he personally recorded the testimony as to the Five Civilized Tribes in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this [illegible]

[illegible]

John Morgan and wife Cynthia, page 1

Continued from Stone, B.S.Jones, June 18,1901.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

L.D.DANIELS, being sworn by Commissioner Needles, testifies as follows:

BY MR. MELLETTE:
Q What is your name? A L.D.Daniels.
Q What is your age? A 36.
Q Where do you live? A Cherokee Nation.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant, John Morgan? A Yes sir.
Q You know his wife, Cynthia? A Yes sir.
Q Did you know them before the war? A I knowed them back before the war.
Q Do you know when they returned to the Cherokee Nation after the war? A Yes sir, I do.
Q What year? A In 1866.
Q Where did they come to? A Mt. Gibson.
Q Where did you first see them? A Right at Mt. Gibson sir.
Q Do you remember when they came there or do you know? A On the steam-boat.
Q Have you known them ever since that time? A Yes sir.
Q How long have you known them? A I have been knowing them.
Q I mean where have they lived since that time? A On the Verdigris river, I saw them in Tahlequah once or twice I believe since that time.

BY MR. HASTINGS:
Q L. D., did you testify for this man before? A Yes sir.
Q You said you saw him in Mt. Gibson in 1866? A Yes sir, in November, October or November, the last of October or the first of November, sir.
Q In '66? A '66.
Q What was the name of that boat he got off of?
A Lee Etta.
Q Where did it land at? A Right there where the bridge is now.
Q You saw him and his wife come off? A Yes sir, I moved them, I moved their goods off of the boat.
Q Where did they go? A Up on the prairie close to where Jesse Vann is living with a man named Foster, a discharged soldier.
Q You know how long they stayed there? A No sir.
Q Did you see them around Mt. Gibson frequently? A No, not much.
Q Tell you there how long they lived in and about Mt. Gibson?
A No. I think the second time I saw him in Tahlequah, I don't know what time that was, the first time after they left Gibson, and the second time I seen him was when the council was fighting there in Tahlequah, he was living up in the Nine Mile and moved down to Tahlequah.
Q When was the second time you saw him? In Tahlequah.
Q How long after that you saw him at Mt. Gibson? A It may have been I don't know how long. It was some time after Jesse was living up there on the hill, it may have been one or two years, and it may have been 12 months. I can't be certain of it.
Q Did you see them around at Mt. Gibson? A No sir, don't think I did.
Q Do you know when he got to come back and live? A No sir, before that, before I was out of the army. I served nine months and I was 18 years old when I enlisted. I was not with them I enlisted

Q But did he come before John Ross' body was sent back from Philadelphia? A Yes sir, before I heard of Chief John Ross dying, in October or November, '66.

FRED MARTIN, being sworn by Com'r Needles, testified as follows

BY MR. MILLETT:

Q What is your name? A Fred Martin.
Q What is your age? A 43.
Q Where do you live? A On Grand river.
Q What is your post-office? A Spavinaw.
Q Are you a recognized Freedman citizen of the Cherokee nation?
A Yes sir.
Q Do you know the applicant, John Morgan? A I do.
Q You know his wife, Cynthia? A Yes sir.
Q Do you know where they were in the latter part of the year '66 just after the war? A Yes sir.
Q Where were they? A They were in Ft. Gibson, they were at father's along in the fall, late in the fall, just before we moved from Ft. Gibson up on Grand river.
Q You remember of seeing them at that time, there? A I do.
Q Have you known him ever since that time, here and his wife?
A Yes sir, I have seen him several times since that, been to his house.
Q Where have you been to his house? A Up near Coffeyville.
Q In what nation? A Cherokee nation.

BY MR. HASTINGS:

Q How old are you? A 43.
Q Born in '66? A I do not know when I was born, what year I was born, but I was 43 years old the first day of last May past.
Q You a child eight years old in '66? A I am 43 now.
Q I say were you eight years old in '66? A I say I am 43 now.
Q Do you know how old you were in '66? A No sir, I never counted it up.
Q Can you count it up? A I expect I can.
Q You enrolled at Vinita didn't you? A I did.
Q You came there for the purpose of being a witness? A I don't know as I did.
Q What other business have you got out here? A Plenty of other business, I am free; yes I come out as a witness.
Q You testified in the Rose Riley case didn't you? A I did not.
Q Where did you live in the fall of '66? A Lived at Ft. Gibson.
Q What part of the town? A I don't know that is the name of the part of the town lived in.
Q [redacted] North, East, South or West? A It was kind of down the river like from Fred Gunter's.
Q What kind of house did you live in? A Log house.
Q One room? A Yes sir.
Q You saw this man at your father's house did you? A I did.
Q What was his wife's name? A Cynthia.
Q How many children did he have? A I didn't see any one.
Q Anybody else along with them? A So far as I know of, I think not.
Q What time of the year was that? A Late in the fall.
Q When was the next time you saw him? A Next time I saw him I was several years afterwards, after he had moved up here, next time I saw him at Coffeyville.
Q He lived down at Ft. Gibson then did he? A He did.
Q You saw him there that fall and you never had occasion to see him for a number of years, and yet you remember just having seen him when you was eight years of age? A Certainly I remember having seen him, he was a relation to me, I was well acquainted and I knew him from that on every time I saw him.

John Morgan et al 3

Q But you never saw him for a number of years? A Several years.
Q What year did the Wallace court set? A I do not know, I did not
had no occasion to keep record of the wallace court.
Q What year was you married? A I don't know what year I was married.
Q Have you got any children? A Yes sir.
Q What year was your oldest child born? A I don't know, I
haven't kept no record of it.
Q What year did the Kern-Clifton Commission set? A I haven't
kept no record of that.

APPLICANT NON-SUILED, and further examined; By Com'r Needles:

Q Mr. Morgan, you have you and your wife lived continuously in the
Cherokee nation since 1866? A Yes sir, pretty near all the time,
I have to go out to get a doctor at Coffeyville; I have the drop-
sy all the time.
Q You have never lived at Coffeyville? A No sir, I have the
dropsy all the time, I have got the dropsy now.
Q You never made your home up there? A No sir, my home is right
there on Verdigris where I first went to.
BY MR. MCELETIN:
Q How long have you owned that place on Verdigris there? A Shawne
Well I was looking for a place, I bought it from that Shawnee fellow,
over 25 years, that one place.
BY COM'R NEEDLES:
Q Got any children? A None at all.
Q Never have any? A Not but this one.
BY MR. VASTINES:
Q Did you own a house up in Coffeyville, a home? A Yes sir.
Q When did you purchase it? A Several years ago.
Q Well about how many? A Oh I don't know sir, how long it was.
Q Well, I am asking you to give me some sort of estimate, was it
ten years ago? A No, four or five years.
Q You have lived in that until a week or so ago? A No sir.
Q When did you move back over here? A Moved back a good while
ago.
Q Well about how long ago? A Oh I don't know.
Q Month? A Oh more than that; I make a crop on my place every
year since I have been there.
Q Where have you been living? A I live there in the Cherokee nation
on Verdigris.
Q Has that house been vacant up there? A No, I rent it out.
Q In town? A Yes sir.
Q When did you actually reside and under let the roof of that house
in Coffeyville shelter you last? A I make my home in the nation.
Q When did you leave that house last, when did you live in it,
when did you let it shelter you last? A Well I come when I go out
there and the doctor attends on me I go-
Q When was that? A The other day.
Q When did you leave it to come down on your farm? A I am on the
farm every day.
Q Where does your wife stay? A There.
Q In Coffeyville? A She stays down there, and when she is sick and
can't get about I can take her back up to the doctor..
BY COM'R NEEDLES:
Q The fact is it from your farm to Coffeyville's four miles, it
seems as much to get the doctor down there all the time, I don't see
how you do it.
Q Did you ever come to Coffeyville? A No sir, never did; I don't
in the public mills.
Q You have any power come to get on the roll of Cherokee? A I guess
the Shawnee land engrossed it.
BY MR. VASTINES:

John Morgan et al 4

Q You were before what is known as the Judge Daniels' Court trying to prove up your case, at Tahlequah? A Yes sir.
Q And they refused to enroll you? A They made a laughing-stock of me, yes sir.
MR. MULLETT:
Q What did he say to you? A Said John, you have come back here too late, go and marry a white woman North, and I walked right down stairs.
BY MR. HASTINGS:
Q Who was it said that? A Lyons and another fellow standing there.
BY MR. MULLETT:
Q Did you have any trial at all? A No.
Q Did they give you a chance to get any witnesses there? A No sir.

Com'r Needles: John Morgan applies for the enrollment of himself and wife, Cynthia; he avers that they were both slaves, and were taken out of the Cherokee nation during the war, and returned in the year 1866, and he avers that his residence is in the Cherokee nation, but that he has a house in Coffeyville, for more particulars see testimony; said John Morgan and wife Cynthia will now be listed for enrollment as Cherokee Freedmen on a doubtful card, because of the fact that their names do not appear upon the authenticated roll of 1880, and the further fact of the protest of the Cherokee nation; He will be informed by mail of the action of the commission when decision is arrived at.

M.D. Green being first duly sworn, states that he stenographer to the Court sitting to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

SUPPLEMENTAL: C.F.D-755.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept.23,1901.

In the matter of the enrollment of John Morgan and others as Cherokee Freedmen.

Commissioner Needles: Applicant present by attorney, Mellette & Smith; Cherokee Nation present, by Colonel L.B.Bell.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

B.

ROBERT ROSS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give him your name, post-office, and age. A 56 years old; Robert B. Ross; Park Hill, Indian Territory.

Q Mr. Ross, you are brought here to testify in the matter of the petition of John Morgan, better known as Tom Morgan, Cherokee Freedman, who claims a right of enrollment here as a former slave of the Cherokees, under the Treaty of 1866; are you acquainted with the gentleman? A Yes sir.

Q When did you first become acquainted with him? A I have known him as far back as about '58 or '9; 1858 or '9.

Q Did you ever see him in the City of Philadelphia? A Yes sir.

Q When? A I saw him there in December, 6th, 1865, up to August, '66 off and on.

Q When did you leave Philadelphia after that time and come to the Cherokee nation? A I left there on the 15th day of August, '66.

Q When did you arrive here? A I arrived here at Fort Gibson, about the first of September of the same year.

Q And then where did you go? A I went to Tahlequah.

Q Did you make Tahlequah your home from that on, principally or not? A Yes sir.

Q Was you acquainted with one Miss Ayers, that lived at Tahlequah along in '67 or '8? A Yes sir.

Q Later on the wife of Lewis Downing? A Yes sir.

Q She was a white woman and not a Cherokee? A Yes sir.

Q Not known as a citizen until she married Downing? A No sir.

Q Did she buy a place there near Tahlequah? A Yes sir.

Q Tell what you know about it, at what time it was? A I am not positive as to the date when it was bought, but to the best of my recollection it was sometime during the year 1870, probably it might have been '69 and it may have been '71, I don't be positive as to the date, but it was along there in those years to the best of my recollection.

Q Did she own more than one place there? A Not that I know of; that's the only one I know of.

Q Who did buy this place that did it consist of? A Nothing more than a claim, just out on the land prairie such as that.

Q Any house? A No sir.

Q Do you know of Tom Morgan's working a farm on Tom Waite's place in the year 1870? A No sir.

Q Tom Waite's place near Tahlequah? A No sir.

Q Did you know anything of Tom Morgan there during the year 1870? A Well he may have been there at times, after May, '67 sometime, I don't say that he didn't.

Q Well, did you get acquainted with Stephen P. Ross, who was Principal Chief of the Cherokee Nation? A Yes sir.

Q Do you know his representative, Joel Mason, who lived near Tahlequah? A Yes sir.

Q Do you know, do you not, as a fact, that Tom Morgan came to the town of Tahlequah in the fall of 1866 and lived there with Joel Mason? A I don't know anything about that.

Q Do you not know that Tom Morgan came to the town of Tahlequah in the fall of 1866 and lived there with Joel Mason? A I don't know anything about that.

September.
Q Tell what youknow about his whereabouts from Septem er up until about '67? A He was continuously here in the country up until after the adjournment of out National Council, which was sometime in November or December, I disremember as to the date, and then he went on to Washington, and that next spring, in May, brought the remains of grandfather ~~in.~~out.
Q That is, he returned to Washington after the adjournment of the Council? A Yes sir.
Q In a public na tter? A Yes sir.
Q And in May he brought the remains of the ~~lat~~ old man John Ross, the late Chief? A Yes sir.
Q Here for re-burial?A Yes sir.
Q He couldn't have gotten transportation and carried it over to this Tosh or John Morgafrm Philadelphia to this country in 1866, during any part of Aug~~ust~~, September or October?
BY MR. SMITH: I object to that.
COM'R NEEDLES: Ovjection is sustained; that's a conclusojn; matter of argument.
BY MR. BELL: That is a statement of fact, because he says he was with the man all the time.
BY MR. SMITH: It calls for an opinion, is my objection to it.
BY MR. BELL:
Q You are positive he was not in Philadelphia during August, September, October, November or December, 1866? A Well he might have got there in December, I couldn't say as to that, but whatever time, it was after adjournment, sometime shortly afterwards, he went on to Wash'ngton , to the bestof my recollection.
Q Do you know anything as to the ~~payment~~ return of this John or Tosh Morgan from Philadelphia to the Cherokee Nation? A I don't know just when he landed here only by what he said himself, that he got back here along in May sometime, to the best of my recollection, I met him.
COM'R NEEDLES: Q In May of what year? A May of '67.
BY MR. SMITH:
Q Mr. Ross, you stated that conversation as to the best of your recollection? A I said I couldn't state as to the exact time.
Q You don't know when he came back? A No.
Q You state that you had some conversation with him; you dont undertake to now at this time to state positivelt what that conversation was? A No, it was just of our meeting and knowing him as I did and speaking to him and asking him when he got back, and he said he just got back; that's b ut the substance of our conversation as to his returning.
Q You don't have an independent, distinct recollection now of what you said to him or what he said to you? A No no.
Q How then was it you say you met Mr. Ross, in Saint Louis? A I met him there in August, it was either the 15th, probably the 16th of August, I met there in the morning and I left at 3 o'clock in the afternoon out for Pleasant Hill, Missouri. Cholera was raging there at that time, and we didn't tarry very long.
Q That was as you came from Philadelphia to this country?
A Yes sir.
Q How long had you been in Philadelphia before that? A Got to Philadelphia along sometime in the early part of December, 1866.
Q Had you been in the city of Philadelphia continuously, every day? A Well only I went down to Washington I think about the 1st of May of that, and stayed there until the first of August, and went back through there.
Q Then you were absent from the city of Philadelphia for more than a month? A Yes sir.
Q You don't state that positively whether Mr. Ross was in Philadelphia or was not in Philadelphia during the time you were absent? A No, I couldn't state positively that he was not there.

John Morgan at all sup'd.

ROBERT MEIGS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give him your age, name and post-office?
A Age is 56, post-office is Park Hill, Robert Meigs.
Q Are you acquainted with John Morgan or Tosh Morgan, the applic an here? A Yes sir.
Q Do you know anything about his return to the Cherokee Nation after the close of the war of the Rebellion? A Yes sir.
Q Please state just what you know about it? A I don't remember positively, but it was some time after mother came back, I think about a year afterwards, when I first saw John Morgan.
Q When did your mother return? A Mother got back in May, '67.
Q Did you have any conversation with Morgan about his return?
A Yes sir, we talked some there, mother was talking with him; he came up to see her, I don't remember very much about it.
Q Well what did he say, if you recollect? A He said that he had just got back. Mother asked him why he didn't get back sooner, and he said something about his transportation paper, I don't remember just exactly what he did say.
Q That was along about '68 you think? A Yes sir, as well as I remember.

BY MR. SMITH:

Q What is your name, Mr. Meigs? A Robert Meigs.
Q That has been a good while ago, Mr. Meigs? A Yes.
Q You don't remember definitely just what he did say or what your mother said? A I remember mother asked him why he didn't come back sooner; he spoke about the time in our treaty for the colored people to return.
Q Now, Mr. Meigs, do you remember distinctly when your mother came back? A Yes sir, mother came back in May.
Q What year? A In '67.
Q Why do you remember that? A Well they brought grand-father's remains back.
Q Who was your grandfather? A John Ross.
Q Was that the time your mother came back? A Yes sir, she came back with the remains.
Q But you cannot state just positively when this man did return to the Cherokee Nation? A John Morgan?
Q Yes. A No sir, I don't know just when he did come back.

JOHN W. WOLFE, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Witness: My name is John W. Wolfe, age, Big Tahlequah is my post-office.
Q You live about Tahlequah? A Yes sir.
Q How long have you lived there, John? A I have lived there, here and around there, I have spent about three of four years during the war from Tahlequah, four or five years.
Q Were you acquainted with a man living in Tahlequah by the name of Thomas Wolfe, that he is a cousin named Thomas Wolfe? A Yes sir, that was my father.
Q Both of them cousin, I reckon? A Yes, that my father was like I had a brother named Thomas Wolfe, younger than my back (?).
Q This old man Tom Wolfe had a home there near Tahlequah? A Yes sir, he had a farm there right on the edge of town, close out of town.
A He had lived there prior to the war? A Yes sir.
Q He is now dead, is dead, is he? A Yes.
Q Was he related to any other people? A [illegible]
Q Yes sir, sir, sir, I don't know, I don't know, I don't know

John Morgan et al Sup'l A

Q Were you acquainted with one Tosh Morgan or John Morgan, this applicant here? A Tosh Morgan, I was acquainted with one Tosh Morgan there, colored man, yes sir.
Q Did your father rent that farm of his to Tosh Morgan in the year 1867? A No sir, it was laying out. Fence and everything was burned up during the war, and when we came back we didn't fence it until '69, I think it was '69, or '70, I don't know which.
A Two or three years after we came back
Q Had there been a crop made on the place in '67 when you returned?
A No sir.
Q Crop of cotton? A No sir, wasn't anything there but prairie grass and weeds, growed up in an old field like.
Q You have got a brother named Tom have you? A Yes sir.
Q You anyways acquainted with this place of Mrs. Ayers, the place bought by Miss Ayers, who afterwards became Mrs. Downing? A Yes sir, I am well acquainted with here
Q You acquainted with the place she bought? A I know the place Miss Ayer and Mr. Downing live along after she married Downing, called it the Miss Ayer place or the Mr. Downing place, yes, by the people on the hill west of town up about a mile or a mile and a half.
Q When she bought that place how much of a place was it? A The place; there had been a well started to be dug there by Mr. W.W. Ross, and it was a prairie; I don't know but there might have been a few rails, logs, there.
Q There was no field there? A No sir.
Q No houses? A No sir, Miss Ayer built the house there.
Q When was the first house built on there you think? A I think it was built about '70 or '71; I hauled the lumber principally for it, and I married in '70 and just about the time I was married and the year after,- she was a year or two building, commenced it and stop and they commence it again.
Q Are you acquainted with a place over there on the Rogers, near there, called the Tick String place? A Yes sir. It is not called the Tick String place now, it's called the Watford place. It was the Tick String place before the war.
Q Did this Tosh Morgan ever buy that place in '65 or '66, and own and occupy it? A If he did I don't know it, I never did hear of his living there; I had a place just a mile and a half from there, on this side of the river, right near it, and I never heard of it at all.
BY MR. SMITH:
Q Were there any other Walker kin? Relations? A Yes sir, my father, Thomas E. Walker, and my brothers Thomas Walker and my uncle, Jesse Walker.
Q Any others? A Not right immediately at Tahlequah.
Q Near about, I mean? A Not that I know of. Might have been other people by that name, but not any of our family.
Q There might have been other persons named Walker living on that lequah there in '67, but not of your family? A Not that I know of. We came there, we came there, we could have known if anybody had been there I don't suppose. My father was an old settler of the country.
Q There were not any that you knew of, which had been [illegible] there? A Yes sir, might have been some persons [illegible] there I don't know about Gold.
Q Had any persons and your father owned [illegible] Smith and relations? A I don't [illegible]
Q Smith of your relations? A [illegible]
Q Smith of my relations, I might have [illegible] the Smith
Q [illegible] A [illegible]
Q [illegible] A [illegible]

John Morgan et al sup'l #

the war or before the war, you speak about? A His name was Charles Tick-String, he was killed before the war.
Q There were other Tick-Strings besides Charles? A I didn't know any of them.
Q How old were you at that time? A Well sir, I was about 19 or 20. I couldn't state positively how old I was when Tick-String was killed; he was killed by one of my neighbor boys in 200 yards of me in a drunken row.
Q Was he a Cherokee? A Tick-String was a Cherokee, they were both.
Q How long after the war was it before yourturned to the Cherokee Nation? A Oh it was about I think, at that time I came home about it was October, '67 or '68, I wont be positive which one of those two.
Q Where did you stay after the war closed all that time? A We stayed one year in the Choctaw Nation; made a crop at Skullyville right near Fort Smith, on our way home we stopped there, we was late to get home and stopped there and made a crop there.
Q Have you anything to refresh your recollection as to its being '67 when you returned? A No sir not positively I haven't; it was either '67 or '68; we didn't go home sooner than that I was young.
Q Tell me this Miss Ayers place, you talked about, who was she? A That question is a little hard to answer; Miss Ayer was a lady it seems came out here with Mr. John W. Stapler's family from Philadelphia; I knew the lady; got well acquainted with her, and she adopted a boy of Mr. Lewis Downing, Principal Chief of the Cherokee Nation, and she bought this old field home place, prairie place, out a mile And a half east of Tahlequah.
Q What was her name now, how did she spell it, was it Ayers? A Ayer I believe it was; that's the only person I knew of that name.
Q Were there any other Ayers? A Down on the river there were some I think, but not there; if there was I didn't know it. Miss Ayer she was an old maid, quite an old lady, 35 or 40. She married Col. Louis Downing, Chief of the Cherokee Nation, and built this house before, - I don't know how many years, or how long, I don't remember the year she married Lewis Downing; she died on that place and is buried there now.
Q You don't know when she bought the place? A No sir, it was just an open prairie place that Mr. W.W.Ross intended to settle up and she bought it.
Q Where does this man, John Morgan, that you are testifying about, live now? A I don't know sir, I haven't seen him [illegible] years; I know his and his wife well at Tahlequah there.
Q What was his wife's name? A Cynthia Morgan.
Q Where did you go during the war? A All over the State of Arkansas and Texas; I was a soldier during the war.
Q You didn't go to Philadelphia? A No sir, I never went anywhere about there, though I got acquainted with this lady [illegible] left there and came here.
By Mr. Wells
Q Your father and family all returned to the country when you did? A Yes sir, we left the old place in the [illegible] Nation and stopped from there in '67 one of those two years, and got as far as Skullyville and it got cold on us.
Q Did just answer a question? A Yes sir, [illegible] California [illegible] left.
By Mr. A [illegible]
Q [illegible]

John Morgan et al Appl. No.

Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before this September 20, 1901.

Commissioner.

C.F. D-755.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of John Morgan ~~xxx~~ et al.
for enrollment as Cherokee Freedman.

Testimony on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
L. B. Bell, of counsel for Cherokee Nation.

WILLIAM HUDSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bell: Give me your name? A William Hudson.
Q Age? A 56.
Q Postoffice? A Fort Gibson.
Q You a resident of the Cherokee Nation? A Yes, sir;
Q A citizen? A No, sir, ~~xx~~ an adopted, by marriage.
Q You are not a Cherokee Freedman of your own right? A No, sir.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A Since the first day of March, '66.
Q Have you lived there continuously from that time to this?
A Yes, sir, never been anywhere else.
Q That your home now? A Yes, sir.
Q Well in the matter of this one John Morgan, sometimes known as Tosh Morgan - A That was the name I got acquainted with him by, Tosh.
Q He claims to be a Cherokee Freedman: do you know him? A Yes, sir, I know him when I see him, I saw him a few days ago to Fort Gibson.
Q Well, just answer the question; when did you first get acquainted, when did you first see this John or Tosh Morgan? A Along about May of '87 I saw him.
Q Where did you see him? A Fort Gibson.
Q Well, was he in any business there? A Well sir he had just come home then from Philadelphia.
Q How did he come there? A Came with the Chief's body, came along with the Chief's folks when they brought the body to the country, they were all north and they were just getting back home.
Q What sort of conveyance did they come in, or do you know? A Came on a steamboat.
Q Now you speak of the Chief's body, what did you mean by that?
A Old Chief Ross' body was brought from Washington when he died there, old Chief Ross.
Q That was John Ross, was it, that had been Chief of the Cherokee Nation? A Forty years they told me; that is where I got acquainted with him, I hadn't been long in the country at that time, he had been Chief forty years and everybody was coming up to see the body; William P. Ross was living right there in town and his body was laid right on the porch there.
Q And that is the first time you saw this Tosh Morgan? A Yes, sir.
Q Well, did you ever have any talk with him, about his coming from Philadelphia? A No, sir, never had no talk with him at all, I haven't seen him for years since then, he went to Tahlequah from there and moved from Tahlequah out here and I haven't seen him for a number of years.
By Mellette: Well, you don't know when John Morgan came back to this country, do you, to the Cherokee Nation? A I got acquainted with him in May, 1887.
Q I know you got acquainted with him then, but you don't know how long he had been here then at that time? A No, sir, but I supposed he had just come back at that time.
Q Now you say you had that in mind with the body of the old chief?
A Yes, he came with the family, Mr. Ross and all of them was back

Q Now you say you had that in mind with the body of the old chief?
A Yes, he came with the family, Mr. Ross and all of them was back

and he came along with them, several other colored fellows came.

Q How do you know he came with them? A Because I saw them when they first came and they all said they had just come back home.

Q As a matter of fact, don't you know John Morgan came several months before the family did and that he and his wife came along and that they didn't come with the family of John Ross? A Well, I don't know anything about that, I got acquainted with him in May, '67.

Q And you don't know when he got there, of your own knowledge?

A To the town of Fort Gibson?

Q Yes? A He came in May, 1867.

Q Well, did you see him when he came? A No, sir, I saw him directly after he came.

Q How do you know you saw him directly after he came? A Because he said he had just come home from the North.

Q Had you ever been acquainted with him before? A No, sir.

Q Never had seen him before? A No, sir.

Q What was he telling you he had just come in home from the north for? A Because they were all rejoicing over the return, he had been out and just got home.

Q Well the family of John Ross had just come? A Yes, sir, they all came together.

Q And you swear that John Morgan and his wife came with the old chief's family, do you? A They came with the family from Philadelphia.

Q You know that, do you? A No, I don't know only what he said, he told me he came with them.

Q What part of the family was it? A Well I don't know that.

Q Was Bob Ross along? A I don't know whether he was or not, but he said he came with the family, the folks that went off north.

Q And you have remembered that 55 years, what he told you about it? A I remember part of it, he told so much of it, and not only him, two or three other colored people came along at the same time.

Q Do you swear that John Morgan and his wife came with your that family? A I can swear he said he came with them.

Q You have remembered that 55 years, that he said he came with that family? A Yes, sir.

Q Well, was old Chief Ross' wife along with the crowd? A I don't know, sir, I didn't get acquainted with her.

Q Did you see any of the rest of the family? A I saw Mrs. William P. Ross, and W.P., Henry Meigs, and Bob Meigs, they all were together.

Q Well when did you first become a witness in this case; is this the first time you have ever testified? A This is the first time they ever asked me anything about it.

Q When were you first spoken to to be to what you know as to when John Morgan came back to this country? A This morning by Mr. Hall.

Q Well we will say that has been 55 years then. Do, since John Morgan came back to Fort Gibson? A I don't know, sir, I didn't keep account of the time. I just know the year, the number of years I can't tell.

Q Where did you first see John? A In Fort Gibson.

Q Where? A Well, I can't tell you exactly the house in the town of Fort Gibson, it is not a very large town.

Q If you can remember what he said why don't you remember where he was when he said it? A Well, as you see it has been 55 years, I don't know he remembered what was said at the time we had the conversation, but I know the man had just come home.

Q Well he might have come home the fall of 1867 and still he might have been just home a few months? A Well that I don't know anything about, I am telling you what time I got acquainted with him.

Cross-examined: This will be filed. No cross-examination.

Brude G. Jones, being duly sworn, says that he predicated the population to the five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause and the foregoing is a true and complete transcript of his stenographic notes thereon.

Sworn to and subscribed before me this the [illegible] of [illegible], 1900.

Cherokee Freedman D-755

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 23, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application of John Morgan for enrollment as a Cherokee Freedman.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION:

Appearances:
Louis T. Brown, representing attorneys Mellette & Smith who are attorneys for the applicant;
V.W.Hastings, of attorneys for the Cherokee Nation.

JOHN ROSS, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

Q What is your name? A John Ross.
Q How old are you? A I will be 54 in March, 21st of March.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your post-office? A Park Hill.
Q How far south of Tahlequah is that? A Five miles.
Q What was your father's name? A John Ross.
Q Was he the Chief of the Cherokee Nation before and during the war? A Yes sir.
Q Where did you go during the war? A Went to Philadelphia, Pennsylvania.
Q Did you know John Morgan? A Yes sir, I did.
Q One that claimed to have went out there with your father? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Cynthia;
Q Did they go with your father to Philadelphia? A Yes sir.
Q When did your father die? A Died August first, 1866.
Q Where did he die? A In Washington City.
Q Where was this John Morgan and his wife freed? A They was set free I suppose they was set free in the Cherokee nation.
Q Before they went? A Yes sir.
Q Didn't your father own them? A Owned his wife, but didn't own John Morgan.
Q Didn't own John Morgan? A No sir, John Morgan lived 10 or 12 miles below Park Hill, east of the Illinois River.
Q They went out with your people? A Yes sir.
Q What year did they go out? A August '62, 4th of August.
Q How long did John and his wife remain with your father's family in Philadelphia? A Two or three years, '62, '63 and '64.
Q Where did they go after they quit the service in your father's family? A John Morgan got employment in Philadelphia.
Q Well how long did John and his wife continue to live in Philadelphia? A Until '67.
Q When did you leave Philadelphia? A In October '67.
Q You came Philadelphia? A Wilmington, Delaware.
Q When did you leave the city of Philadelphia to go to Wilmington? A In the spring of '67.
Q Where did John Morgan and his wife in the spring of '67? A He was living on Walnut Street, between 6th and Front Streets, but never
Q Well did you see him after you went to Wilmington, Delaware? A Yes sir, I came to Philadelphia.
Q When was the last time you saw him in Philadelphia? A About 1870, June.
Q Of what year? A '67.
Q What were you doing in Wilmington? A I was in a kind of business
Q What were you doing here in Muskogee in regard to your business? A I was in the mercantile business, dealing in dry goods, and clothing, and I sold

Q You say you saw John and his wife on that trip? A Yes sir.
Q Now when did you come back to the Cherokee Nation? A In '67, October, '67.
Q I believe you testified in another case that you remained here about a year before you went back?A Yes sir.
Q When did you first see John Morgan and his wife in this country
A In '68.
In '68? A In the spring of '68.
Q When you came back in '67 where did you come to? A Came to Tahlequah.
Q Did you remain in the vicinity of Tahlequah during that year?
A Yes sir, I was clerking for Mr. Stapler.
Q Clerking in a store? A Yes sir.
Q When did you say you first saw John Morgan here after the war, in the Cherokee Nation? A In '68.
What time in '68? A I think about April.
Q Where did you see him? A At my sisters house at Park Hill.
Q What was your sister's name? A Mrs. Mayes. Meigs
Q That is the first time you had seen him? A Yes sir.
Q What was he doing then, do you remember? A He just came down there to visit my sister.
Q Where did he come from? A From Tahlequah.
A He had come to Tahlequah and then he came down to Park Hill from Tahlequah.
Q How far is that? A Five miles. And my sister asked him, said John.-
Q Were youpresent? A Yes sir, and she said, John why didn't you come back sooner, and he said, I couldn'tget back.
Q Where were they talking about his coming back from? A Philadelphia.
Q Well did you see him all along during the year of '66? A No sir, I didn't see him.
Q Where were you in '66? A I was in Philadelphia. I heard of him being there.
Q Did you see him along during the war? A Yes, I saw him on the street one time along in the fall of '66.
Q You left him there in the spring of '67? A Yes sir.
Q And then you afterwards saw him there in June '67? A Yes sir.
Q Now the first time you saw him out here was in the spring of '68?A Yes sir.

CROSS EXAMINATION BY MR. BROWN:

Q Mr. Ross, have you seen or heard read any testimony in the matter of the application of John Morgan? A Not only partly, not allof it.
Q Whatpart have you seen? A I suppose that they came back in '66.
Q Did the reading of that testimony refresh your memory any as to whether or not he did? A No sir, I have had that fresh on my memory a long time, nobody has told me about the case, nobody has asked me to come here, without the Cherokee Nation did. They did.
Q Who did you first tell that you saw him in Philadelphia in '66?
A I don't believe I told anybody.
Q Never told anyone. A No sir.
Q You did you come to be subpoenaed here as a witness? A In regard to that? I [illegible] to Mr. Hastings, he was talking to me one day about it, I spoke Mr. Stapler told him I knew something about the case.
Q You say you spoke to Mr. Hastings yourself about it? A No I didn't, I don't believe I did.
Q When did you [illegible] Mr. Ross died? A August 1st, '98, in Washington City.
Q When was his body brought back to the Cherokee Nation? A His body was brought back along in the spring be '67, a year after he was buried.

Q Now do you know of your own personal knowledge where the applicant in this case was at that time? A He was in Philadelphia.
Q Do you know that of your own personal knowledge? A Yes sir.
Q Did you see him there? A I saw him in June.
Q You talked about April now I believe? A I saw him in June.
Q Where was he at the time Chief Ross' body was brought back to the Cherokee Nation? A He was in Philadelphia.
Q Did you see him? A Yes sir, I met him on the street.
Q At the time Chief Ross was brought back to the Cherokee Nation? A No, little before his body was brought back.
Q Now at the time, Mr. Ross? A No, not at the time, I was not in Philadelphia at the time.
Q When did you go from Philadelphia to Wilmington Delaware?
A In the spring of '67, before I married.
Q Were you ever in Delaware before that? A I often been in Delaware, yes.
Q Didn't you live in Wilmington Delaware before that during '66?
A No, I lived in Wilmington, Delaware, in '60.
Q In '60?A Yes sir.
Q How old were you then? A I was about 13.years old before the war, just about the breaking up of the war.
Q After the war didn't you live in Delaware? A No sir.
Q You was not there then from '65 until '67? A I was often down there, I had connection down there, but I went from Philadelphia to Wilmington once ina while.
Q Your home then from '65 until '67 was continusouyl in the city of Philadelphia? A Yes, a man may be in Philadelphia at nine o'clock and he may be in Wilmington at 10 o'clock.
Q I want to know where your home was? A My home was in Philadelphia.
Q You testified in the Steve Looney case awhile ago didn't you?A Yes sir.
Q I believe you stated in your direct testimony that John Morgan was freed in the Cherokee Nation? A I don't know when he was liberated; I didn't know when he was liberated, but his wife was freed .
Q You testified just a moment ago that John Morgan was liberated in the Cherokee Nation didn't you? A I think not, I got it wrong then, it was his wife, because John didn't belong to us at all. One morning in '62, about 11 o'clock my father called all of the colored people and freed them; that was after Peggy and Lessey left in the morning.
Q Was that before or after the Emancipation Proclamation? A It was before.
Q They were freed then before the Proclamation was issued? A Yes sir, father was the first one that freed his colored people.
Q How long did John Morgan stay in Philadelphia? A We reached Philadelphia in the fall of '62, now and in the fall of '62,- we left here in August, 4th, and went on, it must have taken us about a month, we got to New York in September sometime, I don't know the date.
Q In what month and what year? A In '62.
Q How long did he live in Philadelphia? A From '62 until '67.
Q During the years from '62 until '67 your home was in Philadelphia? A My father lived in Philadelphia; I was at school; I was out of home all the time.
Q Well now were you at school during these years from '62 until '67? A Yes sir, in '67,- no; I left school in '65. All the no colored people was in my family at that time.
Q Well you were at school from '62 until '65, and John Morgan resided in Philadelphia with your family? A Yes sir, he was a kind of a crack, quiter boy.
Q Now Mr. Ross when did you see him for the last time in the city of Philadelphia?A In June.

Q Of what year? A '67.
Q How do you fix that date? A How do I fix the date, well just because I got out of goods and went up there to buy goods, and I thought as I had a little time in the city I thought I would step in and see them.
Q Was that the first time you ever got out of goods while you were in business? A I hadn't been in business very long.
Q How ~~long~~ do you fix the month? A Well I know June from any other month, I know the time.
Q That has been about 38 years ago hasn't it? A Yes sir, I know it.
Q You remember all these things? A Yes sir, I am not getting so old I can't remember anything.
Q Well now has your memory always been clear as to things that occurred different years? A Certainly it has.
Q You remember the time that the Kern-Clifton Commission was here taking the census don't you? A Yes sir.
Q What year was that? A I didn't pay any attention to it at all, I didn't have business before it.
Q Well now you remember when John ". Wallace was down here making a roll of these people don't you? A Yes sir.
Q What year was that? A I am not able to tell you because I never paid any attention to it.
Q You remember when the Wallace payment was made don't you, when these coloredpeople were paid some money? A Yes sir, I heard something of it.
Q What year was that? A I can't say.
Q In whatyear were you born Mr. Ross? A I was born in '47.
Q Did you testify in this case when the Kern-Clifton Commission was here? A No sir.
Q You knew the same facts then that you know now didn't you? A Yes sir, but I never was called.
Q Now when was it that you had this talk with Mr. Stapler when you said that you knew these facts? A I didn't say I had any talk with him.
Q Who was the first person you ~~mentioned~~ told that you knew John Morgan was in Philadelphia in June '67? A I guess Mr. Neige was one, he was talking about the case, and he asked me if I remembered anything about it, and we didn't talk very long about, I told him yes, and I stopped off and wouldn't talk to him; I thought probably I might be summoned here as a witness and it might get out, but I didn't seek to offer it.
Q You didn't tell Mr. Neige what you knew about it did you? A No sir.
Q You was afraid you would be a witness in the case? A Yes sir.
Q Who was the first person you told? A Mr. Neige.
Q You said just now you never told him? A I didn't say that.
Q Who was the first person you told you saw John Morgan in Philadelphia in '67? A I don't believe I told anyone; I am pretty still tongued.
Q When was the first time after the war you saw John Morgan in the Cherokee Nation? A At my sister's, Mrs. Hayes, in '68.
Q Where? A At my sisters, in April or about that time.
Q The only time you saw him then in the year '67 was in June of that year that you speak of? A Yes, of course you must take the evidence, I saw all the time he was there because his sister-in-law, I saw her most daily, I saw her frequently, she would come down and work for me, that is all hearsay though.
Q How then Mr. Ross when you saw John Morgan there in June '67 did you see him? A No sir.
Q When did you see him for the last time in Philadelphia? A -
MR. MARTIN: I am going to object to that, one is not in this case at all.

BY COM'R NEEDLES: I don't think that would be proper, Lucy is not in the case.

BY BROWN: The attention of the Commission is called to the fact that this applicant's wife and he himself claims to have returned to the Cherokee Nation at the same time her sister Lucy did, and that there has been introduced in this case an order of transportation substantiating that claim, and the agent for the applicant thinks that it is proper to find out if possible from this witness when it was that Lucy Morgan or Lucy the sister of Cynthia Morgan returned to the Cherokee Nation.

BY MR. HASTINGS: The representatives of the Cherokee Nation state that the agent for the applicant is entirely mistaken because there is no contention in the testimony that they returned together. Itis not contended so.

BY MR. BROWN: In the written testimony I find that the applicant claims that he returned to the Cherokee Nation prior to the time his wife's sister Lucy did, and the certificate which has duly been filed in this case shows that the sister referred to returned to the Cherokee Nation a short time after or about the time January 23,1867, and the agent for the applicant thinks it proper to inquire of this witness when it was that Lucy Ross returned to the Cherokee Nation.

BY COM'R NEEDLES: Well Lucy was brought into the case there in the original testimony. Let the testimony go in for what it is worth.

BY MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and object to the cross examination of the witness with reference to Lucy Ross, because it is not brought out in the direct testimony of the witness and under no rules of testimony in any court would this testimony be admitted, and because the return of Lucy Ross is in no ways ~~sentiment~~ connected with that of the applicant.

BY BROWN: Q Do you know Lucy Ross, who was a sister of Cynthia Ross, the wife of the applicant, John Morgan?-

BY MR. HASTINGS: Comes now the representatives of the Cherokee Nation and object to this question, because the witness was not examined with reference to Lucy Ross and her return has no weight to the case of John Morgan the applicant, and has nothing whatever to do with it, and because it is therefore irrelevant and immaterial.

BY COM'R NEEDLES: Answer the question.

A I knew Cynthia Morgan and Lucy Ross, yes, perfectly well; almost raised with them.

Q When Mr. Ross when did Lucy Ross return to the Cherokee Nation?

BY MR. HASTINGS: Representatives of the Cherokee Nation object to the question, for the reason above assigned.

BY COM'R NEEDLES: Let the objection be noted; go on with the testimony.

A I don't think I know, but I am under the impression that it was some four or five years after John Morgan came out here, because I know it,she came out with an aunt of mine and a couple of mine, two cousins of mine, but she did not stay but a very short time, might have been here about six months, and then returned. She stayed in my family at Park Hill.

Q The returned first to the Cherokee Nation, Lucy Ross or John Morgan? A John Morgan came back first.

BY MR. HASTINGS:

Q You you stated in your cross examination that Lucy Ross came here and returned? A Yes sir.

Q Did she come on that temporary visit previous to or after John Morgan did? A After John Morgan came.

Q Which came on the temporary visit first? A Now I don't h ardly understand that; John Morgan came to stay I suppose, and Lucy came on a temporary visit.
Q Well now I want to know which came first, whether Lucy came on the temporary visit before John Morgan came to stay or not? A Lucy came after John Morgan.
Q You mean to state that to stay or on a temporary visit? A Temporary visit.
Q Are you certain about that? A Yes sir. I know it, four or five years.
Q Do you know whether she had been here before that or not? A No sir, she hadn't been here before.
Q You know whether she came here in January '67 or not? A No sir she did not, I know that positive fact.
Q She did not come at that time? A No sir, she didn't.
Q When did you commence keeping store over there at Wilmington, Delaware? A Along about the last of May, '67.
Q It was after you commenced keeping store that you went back over there and saw John Morgan in Philadelphia? A Yes sir.

BY BROWN:

Q Mr. Ross, I hand you here exhibit "C" in this case, which shows that an order of transportation was issued to Lucy Ross to return from Philadelphia to Fort Gibson January 23, 1867; I want you to look at that now and state whether or not she did return at that time? (Hands witness paper.) A You mean Lucy Ross?
Q Yes sir? A No sir, she did not, positively she did not, because she was in Wilmington Delaware and worked for us there in '67.
Q Where were you January '67? A I was in Philadelphia.
Q Was that on the 23rd? A Yes sir, I was there on the 23rd of the month, and the whole month.
Q This was not issued to her either was it? A Might have been issued to her, but she didn't use it at that time.
Q She was in your family then? A No she had left our family and was working for herself; no sir, she didn't return , I know that to be a fact.
Q Are you positive that John Morgan returned before Lucy Ross did? A Yes, I think I am, but Lucy Ross didn't returnin January. No sir.

M.M.Green, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. M. Green.

Subscribed and sworn to before me this January 28, 1908.

T. R. Breedlove.

Commissioner.

D. D-756.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1906.

In the matter of the application of John Morgan et al. for enrollment as Cherokee freedmen.

SUPPLEMENTAL TO D-756.

APPEARANCES:
Pollette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. MARTIN: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as found from a book taken from the Executive Department of the Cherokee Nation, entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," under the head of Tahlequah District, and cause No. 99, the following:

"John Morgan and wife Cynthia
Decided against defendants June 2, 1871."

MR. SMITH: The applicant objects to the introduction of the above paper and for reason states that there is not sufficient matter in said order to show that any step requisite to the valid entry of any judgment was ever taken by the Cherokee Nation, nor even a showing that the defendants were before the court; second, that the same is immaterial, irrelevant and does not tend to prove any issue in the cause at bar; third, because the paper mentioned in said order of alleged judgment is not shown to be identical with the applicant herein, and for the further reason that it is incumbent to prove in the manner and form required by any rules of the Cherokee Nation.

Arthur S. Coolidge, being first duly sworn, states that he stenographically in the enrollment to the Five Civilized Tribes, reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of the stenographic notes taken.

Arthur S. Coolidge

Subscribed and sworn to before me this 19th day of May, 1906.

C. R. Lindsey

T-B-888 To be filed with C. F. B. 998, Nancy Starr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of Houston West for he the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO B-888.

APPEARANCES:
A. S. McRae for applicants.
F. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book fro: the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of he book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 16, 1871."

The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Cherokee Court, on June 12, 18-, as shown from the citizenship record, No. 1, page 8, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of the Commission, O. P. Brewer, George Downing, Commissioners, countersigned D. L. Wickliffe, Clerk of Commission, he follows:

No. 1.	Henry West vs Cherokee Nation.	Claim of Citizenship. Before the Commission on Citizenship, Sitting at Tahlequah, C. N. June 12th, 18

This case, coming under that class of cases, of which the Commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in 1866, that is, within six months after the ratification of the treaty of 1866.

The facts above are proved satisfactorily, leaving as by the time of the return he the period. This is the honest claim of Henry West's case. The Supreme Court has decided that it is not material in the case of Bailey Cochran and Ben Cochran, and claimant (relator) is the Nation on the 4th day of June, 1866, while in bondage of the owner. Claimant was born 1846. The decisions are confining by the act establishing the case to the time prescribed in the treaty of 1866 in the constant construction, as shown by the exact date of the ratification of said treaty to Congress, which passed it, on the 10th day of July 1866 and been signed by President Johnson on the 14th day of July 1866 and been signed by President

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not deprive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an Intruder, on the Public Domain of the Cherokee Nation.

Attest:
D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer)
George Downing,) Comrs."

Attention is called to the fact that at the head of the decision, dated June 12, 18[illegible], that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the page following this decision, the case being that of Orril Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. McRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in this case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record so cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of those applicants. It would not appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and are claimed by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, the being claimants in their own rights and status. Mr. Hastings, I'll swear you, without waiving any of the objections.

W. F. Hastings, being first duly sworn, testified as follows:

MR. McRAE: Your name? A. W. F. Hastings.

Q. Are you acquainted present? A. I am 35 years old and was raised in Delaware.

Q. Mr. Hastings, what knowledge or information have you as regards the application of the Chambers Commission, by what authority was this commission appointed? A. By an act of the Cherokee National council, as I am informed and the records show.

Q. I will ask you if it is not the law and constitution of the Cherokee Nation that in the appointment of such officers, if there has been any change made by no reason but some that having the same and [illegible] law, either in favor of against the applicants as shown during such proceedings [illegible], would have to be ratified by the council of the Cherokee Nation, ratified by [illegible] of the [illegible] council? A. Yes

I haven't that law before me, but I have no doubt from the recollection that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.
Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except those we'm't any submitted to the Nat nal Council except, so far as I know, except some in 1871; none of these later Commissions, they had full authority to investigate and adm themselves or reject, and this Commission had authority to admit or reject, and the council have no supervisory control over it.
Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.
Q The Chambers Commission? A Yes, sir. Well I was stating my judgment of the law, I weren't there, you know; never practised before it.
Q How about the Commission of 1871, known as what's the name of that Commission? A Well, in 1866 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until some in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the Justice of the Supreme Court heard applications, and referred them to the National Council, but I knew of no other authorities that did; don't recall any.
Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann I see he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was chief Justice in 1871. John S. Vann was along about that time. I don't know exactly just when he went in or out.
Q Was he member of the Commission appointed to hear citizens who made application in 1871? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.
Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of doubtful cases the Cherokee citizenship tried in '71 for the reason that from the very face of the record presented, that the entries appears more like the entries kept upon that of a day book than that of a regular record kept by a regularly organized and a properly constituted court of record.

[illegible] A. [illegible] first duly sworn testified as follows:

[illegible]

Q How long have you known him? A Well, sir, in 1866 I had a bunch mules, myself and Crosby, and we was keeping them on Camp Creek there right below old man Vann's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there; they were chaps.

Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.

Q Where was he when you saw him in '66? A I saw them with camped just about-about, when they first came there they came just above where the bridge is.

Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.

Q Now I will ask you Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in and out of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a camp, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been there most of the time since.

Q Were you acquainted with the Fat'er and Mot'er of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.

Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.

Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, taking them over.

Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family has lived and moved right there.

Q You have had occasion to see them oftentimes since then? A Very often, we were hunting stock there very often.

Q And you say that your knowledge and acquaintance with Walk is in of a very intimate nature? A Yes, sir.

Q And character? A Yes, sir, he is truthful, honest, straight, upright man so far as I know.

Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee Treasury.

Q Mr. Williams? When did you have money? A I think it was in the year 1893, the record shows. Some statement found in on the record, and you can find the time very easy.

Q Don't remember that. Did you ever have any money in the Cherokee Nation? A Well, I don't remember the exact so far as I am [illegible] those statements, I was in Tahlequah and I was in Vinita.

Q [illegible] A I made my claim of Kansas.

Q Well did you make any claim of coming back? A I made a claim [illegible]

Q Yes, sir. A I don't remember what the exact [illegible]

Q How many children did he have when you first saw him? A Why he didn't have any one.
Q Did he have a wife? A No, sir, wasn't he wife.
Q About how old was he when you first saw him? A I don't know: he was a kid of a boy.
Q Don't have any idea about that? A No, I couldn't think anything about it.
Q With whom were you living when you first saw him? A I was living with yself.
Q Where? A Why I was going from Fort Smith to Jenaie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.
Q Who owned them? A Me and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.
Q He isn't alive now? A No, sir, he's dead now.
Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.
Q He's dead too? A Yes, sir.
Q Was he there in '66? A He was quartered there in '66 I think.
Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.
Q Well do you say that isn't true?
MR. MCRAE: You say that Walker Mayfield has testified to that in this case?
MR. HASTINGS: No, I say he has testified and the record shows.
MR. MCRAE: This record?
MR. HASTINGS: Yes, sir.
MR. MCRAE: This judgment just of late here?
MR. HASTINGS: Yes, sir.
Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and came back again into the nation I don't know.
Q Mrs. D. W. Faulkner swore in '96 that her whole family, Walker Mayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to teach. Do you say not that you met your judgment, but you a stranger, as against those who were blood relations? A I had my recollection, I am telling just as I remember it: It certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.
Q A. L. Faulkner, the father of Lucinda, swears that Walker Mayfield, the son, his whole family, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you my best of my recollection, and I recall that before I left Walker Mayfield was I came back from Texas.
Q Did you see him after the war? A I had seen him a few times.
Q Where did he live? A He lived right where he where by mother lives now.
Q Did you see his family? A Just his first wife, and I have seen his over all the country.
Q In the Nation after the war? A Yes, sir, I have all heard [illegible] A

Q Was Walter Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.
Q Did you ever leave the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.
Q Well now where did you keep those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.
Q Well where did you keep them though? A Just bought them and let them run until we gone and drove them out.
Q Then they were just scattered on the range? A Scattered all around, they were all over there. And I bought so o R-on a woman by the name of Price.
Q Where did she live? A Somewhere on Cow Creek.
Q You have just now been rejected by the Commission on an applicant for citizenship, haven't you? A Yes, sir, I don't care anything about the reputation. I would rather be a white man than a Cherokee so far as my reference is concerned.
Q Well you have got your property? A I had got it, too. The young Alex here, I like his splendid for civil service professance.
Q Well you just answer my questions, now you are willing to swear as against these other people that the family came back there just before Christmas, 1867? A To the best of my knowledge.
Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear to the best of my recollection.

MR. MCRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in 41, and I was a United States soldiers, and I ought to have been old enough to have some knowledge of things. I couldn't story for Callie Vest to get into the Cherokee Nation.
Q Well you aren't any more likely to be mistaken in your statement than Mr. Mayfield would be in his? A No, sir.

MR. MATTHEWS: But Mr. Mayfield testified in '98, only 18 years after that time.

COMMISSION: This testimony will be filed in and make a part of the record in the following Freedmen cases: D-789, being that of Nancy Stark; D-790, being that of George West et al; D-1169, being that of Callie Vest; D-1088, being that of Lucretia Morris et al; and D-1089, being that of Callie Vest, and in the case of Ida, D-898. In this family the case of Fountain Vest et al. It appears from the testimony of the examination that the above named applicants are all represented by A. S. Mehan.

[illegible]

(signed) Grace O. [illegible]

Subscribed and sworn to before me this [illegible] day of July, 1908.

(SEAL) [illegible] P. S. Taylor,

Notary Public.

I, Arthur S. Lowe, a stenographer in the commission to the five civilized tribes, do hereby state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was reported by me.

Arthur S. Lowe

Subscribed and sworn to before me this the [illegible] day of Aug., 1908.

B. C. Jones

Notary Public.

Freed. D 250

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Melleto & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Morgan, D 750;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant requests leave that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed twenty days to file any of the proof of any or all of the cases other than the Morgan case already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

[illegible]

Subscribed and sworn to before me this July 30, 1902

[illegible]
Notary Public

Cherokee Freedmen D 756

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Morgan for the enrollment of himself and wife, Cynthia Morgan, as Cherokee Freedmen:

D E C I S I O N

The record in this case shows that on June 18, 1901, John Morgan appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and wife, Cynthia Morgan, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 23, 1901; at Muskogee, Indian Territory, on January 27, May 19 and May 31, 1902.

The evidence shows that the applicants, John and Cynthia Morgan, were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during said rebellion and did not return thereto until after January 19, 1867.

The names of the applicants are not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Morgan and Cynthia Morgan, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Date MAR 5 1907

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

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BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

John Morgan, et al.

755

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1906.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this _____ day of _____, 1908.

MILL, MATTHEWS & MATTHEWS,
Attorneys for Cherokee Nation.

By_____

FD 755

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me

this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of Jno. Morgan for enrollment as a Cherokee Freedman:

Case No. F. D. 758

To Jno. Morgan or Mellette & Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 18th day of Sept. 1901.

L. B. Bell

W. W. Hastings

J. A. Davenport

Attorneys for the Cherokee Nation.

F. D. 755.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the withic notice on this the

day of ..... 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A D 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made and original filed with the DAWES COMMISSION.

JAN 23 1902

NOTICE!

IN THE MATTER OF the application of John Morgan for enrollment as Cherokee Freedmen:

Case No. F. D. 753

To John Morgan c/o Coffeyville Ks

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on June 27 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this June 20 1902

L B Bell

W. W. Hastings

Jas S Davenport

Attorneys for the Cherokee Nation.

F. D. 75-5'

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 10/14, 1901.

William A. Gilmore

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } N. D.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made
and original filed with the
DAWES COMMISSION.
OCT 16 1901

NOTICE!

IN THE MATTER OF the application of John Morgan
for enrollment as Cherokee Freedmen:
Case No. F. D 2 758
To John Morgan or Mollette & Smith c Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on 17th day of Oct, 1901, at 8 O'clock or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 16th day of Oct, 1901.

L B Bell

W. W. Hastings

Jas Davenport

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.

In the matter of the application of John MORGAN for the enrollment of himself and his wife SYNTHIA MORGAN as Cherokee freedmen,

Cherokee Freedmen D 786.

Brief on behalf of the Cherokee Nation, opposing the motion for review.

In this case the attorneys for the applicants concede that the applicants did not return to the Cherokee Nation earlier that May, 1867. They argue that the applicants were taken out of the Cherokee Nation August 4, 1866, by Chief John Ross, and that they were taken to Philadelphia, where they were retained as domestic servants in Chief Ross' family during the war. If it be true that the applicants were taken from the Cherokee Nation by Chief John Ross and they did not return until May, 1867, then we contend that they are not entitled to enrollment as Cherokee freedmen under the provision of the Ninth Article of the treaty of 1866. It was incumbent upon all negroes who were slaves of Cherokees residing in the Cherokee Nation at the beginning of the War of the Rebellion and who left the Cherokee Nation during the war, and who were absent at the date of the signing of the treaty of 1866, to return to the Cherokee Nation within six months thereafter, which time expired February 11, 1867. It is contended by the attorneys for the applicants that an opinion was rendered on March 22, 1904, by the Honorable Assistant Attorney General in which he held, "I am of the opinion that physical return of the person within the time prescribed by the treaty was not necessary in these cases where domicile was heretofore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from returning by inability or like reasons as on prevent loss of domicile by one not actually resident at the place of legal domicile."

This statement of the Assistant Attorney General is evidently good law when supported by facts, but in the case at bar the facts would not support such a contention of law, for the reason that no slave of a Cherokee could acquire, nor did he have a legal domicile until emancipated; then after emancipation it was incumbent upon him to select his domicile. There was nothing in common between the domicile of his former owner and the slave when emancipated by law that could give the slave the domicile of his former owner. The only legal way in which a slave could acquire the domicile of his former owner would be to at once return to the domicile of his former owner and there establish a residence. Failing to this there is no law to be found in the law books to support such a contention. Inasmuch as it may come prior to the emancipation of the slaves they were the same as any other chattel owned by their owner, could be sold or transferred at the will of the owner, were not capable of establishing, nor could they establish a domicile or residence,

being a mere chattel without any inability to select or establish a domicile or a residence. Occupying that kind of a position a slave had no rights by which he could contract, acquire or select a residence or domicile, unless specially given him by statute, and there being no statute granting him such a right it was impossible for him to acquire the domicile of his former owner until he had returned to the place of the residence of his former owner and there established his domicile and residence.

It is argued by the attorneys for the applicants that the domicile of the domestic servants of the Chief of the Cherokee Nation, and who were originally domiciled in the Cherokee Nation, did not lose their domicile by the fact that they were taken by the Chief during the rebellion to his temporary abode during the war. They had nothing to lose. Prior to the treaty of July 19, 1866, the slaves of Cherokees had no interest or right, legally or otherwise, to the lands or the funds of the Cherokees. If they had all been residing in the Cherokee Nation and the treaty of 1866 had not been made it could not have been contended for one moment that the slaves of the Cherokees had any right or interest in the Cherokee Nation, the only means being the treaty of 1866 by which they acquired any right whatever, and we contend that it required a strict compliance with the provisions of that treaty, and it was necessary that all who had been slaves of Cherokees and who were not in the Cherokee Nation at the date of the treaty, must return to the Cherokee Nation and establish their residence within six months thereafter; that this provision was a gift upon a condition subsequent, and until that condition had been complied with the slave acquired no rights in the Cherokee Nation, that is to say, that, notwithstanding the treaty provided that if all slaves who were outside of the Cherokee Nation at the date of the treaty and who returned within six months thereafter could acquire rights in the Cherokee Nation, that if they failed to do so within the six months they did not acquire any rights whatever. We further contend that nothing would exempt them from the provisions of that treaty, not even minority, insanity or restraint, and we certainly contend that inability for want of sufficient means to transfer them back to the Cherokee Nation could not exempt them from the provisions of the treaty. We further contend that the question of the intent to abandon their domicile in the Cherokee Nation did not and could not enter into the case of slaves who had been freed by provision of law, for the reason that they had no legal domicile or residence to abandon and until they had been freed they were not in a position to form an intent, either to establish a domicile or residence or to abandon one.

We, therefore, respectfully submit that the testimony in this case shows that the applicants did not return to the Cherokee Nation within the time provided by the treaty, and their having failed to do so, they are not entitled to be enrolled as freedmen citizens of the Cherokee Nation, and that the decision of the Commission to the Five Civilized Tribes should be confirmed.

Respectfully submitted,

_____

_____

Attorneys for the Cherokee Nation

ATTORNEYS:
L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.

J. C. SHARP, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE NEGOTIATIONS.

Please return this letter with your reply or mention this Number: F. S.

John Ross =
son of Chief John Ross -
Was in Phil - Pa - during war - came back in fall of 1867 - left John Morgan & wife in Phil - Morgan was first seen around Gale creek in spring of 1868 -

see L. Dobson - Eureka I.T., who John Ross says knows this fact -

DEPARTMENT OF THE INTERIOR,

Washington, D. C.

In the matter of the application of John Morgan for the enrollment of himself and his wife Cynthia Morgan, as Cherokee freedmen.

John Morgan, ----------Cherokee freedman D-75[illegible],
Cynthia Morgan, -------- Cherokee freedman D-7[illegible].

MOTION FOR REVIEW OF DECISION OF DAWES COMMISSION.

Comes now John Morgan for himself and his wife Cynthia Morgan, by his attorneys, Blue & Bulger and McGowan, Gerven & Mohun, and moved the Honorable Secretary of the Interior to review the decision of the Commission to the Five Civilized Tribes rejecting his application for enrollment as Cherokee freedmen; to reverse said decision and to enroll him, John Morgan and his wife, Cynthia Morgan, as Cherokee freedmen, for the reasons following, namely:

The evidence adduced in support of said application shows, that; John Morgan and his wife Cynthia Morgan were slaves of Cherokee citizens at the commencement of the rebellion, Peggy Morgan and Chief John Ross, respectfully;

That these applicant were taken out of the Cherokee nation August 4, 1862, by said Chief John Ross, and were taken to Philadelphia, where they were retained as domestic servants of Chief Ross' family during the war;

That Chief John Ross died in Washington, August 1, 1866, and that his body was shipped to the Cherokee nation, where it arrived in May, 1867;

That after the death of Chief John Ross it appears that Bill Ross secured transportation for seven of the Chief's former servants, including John Morgan and his wife Cynthia and carried said transportation to them from Washington to Philadelphia; that upon the receipt of said transportation by these applicant, they started to the Cherokee nation, where they arrived not later than May, 1867.

That there is some dispute in regard to the exact time of their arrival in the Cherokee nation, the applicants claiming it was 1866 and the Cherokee nation claiming it was May, 1867.

However that may be the Commission rejected the application of these parties, and said:

> The evidence shows that the applicant, John Morgan and Cynthia Morgan, were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee nation during the rebellion and did not return until after June 30th, 1867.

This decision was rendered March 5, 1904; on March 22, 1904, the Honorable Assistant Attorney General, Frank L. Campbell, said:

> "It is my opinion that permanent return of the person with in the time prescribed by the treaty was not necessary to those cases where domicile had theretofore held in the Cherokee nation had not been abandoned or lost, and that the person might be caused from returning by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile."

The domicile of the domestics servant of the chief of the Cherokee nation, and who were originally domiciled in the Cherokee nation, did not loose their domicile by the fact they were taken by that chief, during the rebellion, to the place of his temporary abode during the war.

Domicile is a question of intention and of fact. The fact in these applicant's could not out of the Cherokee nation during the rebellion and it is alleged that they did not return until after January 19, 1867. The fact that they did return to the Cherokee nation not later than May, 1867, coupled with all the other circumstances, shows that they never intended to change their domicile from the Cherokee nation to the United States. Never having had such an intention, the fact of their residence out of the Cherokee nation does not, under the opinion of the Honorable Assistant Attorney General above quoted, deprive them of their right to be enrolled as Cherokee freedmen.

Therefore, on behalf of these applicants, John Parker and Martha Parker, we respectfully request the Honorable Secretary of the Interior to review the said decision of the Commission by the Department without granting the application of these persons to re-open said contestee and to enroll said applicants as Cherokee freedmen.

Respectfully submitted,

Washington
April 15, 1905

Department of the Interior,

Commission to the Five Civilized Tribes,

In the Matter of the application of John Morgan for the enrollment of himself and wife Cynthia Morgan as Cherokee Freedmen.

Cher. F. D. 788.

A R G U M E N T.

The Record in this case shows that on March 5th 1904 the Commission to the Five Civilized Tribes unanimously signed a decision rejecting the applicants resulting in the decision that:

"The evidence shows that the applicants John and Cynthia Morgan were slaves of Cherokee Citizens at the commencement of the rebellion and lived in the Cherokee nation during said rebellion and did not return thereto until after January 19, 1867."

The testimony of John Morgan is to the effect that he himself was a slave of Peggie Morgan who was a citizen of the Cherokee Nation and that his wife was a slave of John Ross who was principal Chief of the Cherokee nation prior to the war and that they both voluntarily accompanied Chief John Ross to Philadelphia in 1862.

John Morgan the applicant claims to have returned to the Cherokee Nation in the fall of 1866, as do all Freedmen applicants for that matter, that William P. Ross furnished him transportation and that he made a crop in the year of 1867 on the Tom Wolf place, in 1868, on the Rev Ayers place. He is supported by only one witness L. H. Daniels who being the witness unfavorably commented upon by the Department in a number of letters and found testimony by the Department to be guaranty of belief. Shows the very fact that the said L. H. Daniels was called as a witness lends suspicion to all of the things testified of by him.

Upon the other hand there is the best kind of direct testimony to the effect that John Morgan did not return to the Cherokee Nation until the fall of 1867 or the early spring of 1868.

Proof: Morgan appeared before the Department control the Cherokee Nation in 1871 and applied for allotments that he was rejected, and on that time hundreds of negroes were allotted, and could hardly distinguish of

the exact date of the return of the applicant. In addition the Cherokee Nation introduced Robert B. Ross a grand son of Chief John Ross and he testifies positively that John Morgan did not make a crop on the Wolfe place in the year of 1867 and he testifies as to the whereabouts of William P. Ross and places him in the Cherokee Nation until the last of November or the first of December 1866 making it impossible for him to furnish transportation to John ~~Xxxxx~~ Morgan as testified by him in the year of 1866.

Robert Meigs corroborrates Robert Ross and he testifies that John Morgan did not return to the Cherokee Nation until after his mother came back and hismotherdid not return until may of 1867.

John W Wolfe swears that John Morgan madeno crop on the Tom Wofe place in 1867 and that none wasmadeupon said place.

But the Cherokee Nation doesnot have to rely upon indirect testimony in this case. John Ross the only surviving son of Chief John Ross is alive and testified in the case and he swears positively that John Morgan was in Philadelphia as late as June of 1867. This testimony is direct and positive and uncontradicted. He also swears that his father John Ross died on August 1st 1866 and he further testifies that John and Cynthia Morgan were freed before his parents left the Cherokee nation in 1862 and that he did not work for his father Chief John Ross after the year of 1864 but made a living for himself in the city of Philadelphia, lived separate and apart and he even gives the number of his street address which shows that he is positive about the things of which he swears.

The Commission hasnot furnished us with a copy of the letter of the Honorable Commissioner of Indian Affairs and it is difficult for us to understand upon what theory it is recommended that the decision of the Commission be reversed and the applicant ordered to be enrolled when it is clearly shown by a number of witnesses and particularly by the testimony of so respectable a man as John Ross, the only surviving son of the late late Chief John Ross shows that John Morgan did not comply with the provisions of the treaty of 1866.

Surelyby no argument can be made that he was detained by the late Chief John Ross because John Ross died on August 1st 1866 or more than a year before the applicant returned to the Cherokee nation and there is no testimony to show that they were detained in Philadelphia by members of the Ross family but on the other hand the testimony of John Ross shows

that they took up a residence there where they lived and kept house and that they were not connected with his fathers family after the year of 1864

Under our theory of the construction of the treaty of 1866 and our construction of the decree of the Court of Claims of date February 3rd 1896 an applicant to be entitled to be enrolled as a Freedman citizen of the Cherokee Nation must show:

First: That he was either the slave of a citizen of the Cherokee Nation or a free colored person at the beginning of the war of the rebellion;

Second. Must show that he complied with the provision of the Treaty as and returned within six months and this six months limitation expires according to the ruling of the Department on February 11, 1867.

Third. He must show that he has continuously resided in the Cherokee Nation subsequent to that time.

Have these applicants done this? It is admitted that both belonged to citizens of the Cherokee Nation at the beginning of the war. John Morgan to Peggie Morgan and his wife Cynthia to John Ross but we contend that the testimony is so clear and convincing as to not admit of the possibility of a doubt that the applicants did not return prior to February 11, 1867 because all of these witnesses on part of the Cherokee Nation testify to seeing him here at a later date and young John Ross swears positively that he was living in Philadelphia in June 1867 giving the particular place of his residence and street number.

As to the transportation proposition William F. Ross it is shown was not in Philadelphia earlier than the middle of December 1866 and therefore could not have furnished John Morgan transportation at that time because he did not [illegible] the Cherokee Nation until after the National Council adjourns which holds five weeks from the first Monday in November of each year which lasts into the first week in December and at that time a number of days were required for one to go because of the use of railway transportation and [illegible] from Washington to Philadelphia. But the Interview witness for John Morgan named L. E. Rankin swears he saw John Morgan in the Cherokee Nation, had from a hand the last [illegible]

of October or the first days of December 1866.

In asmuch, however, as the Department has found this witness to be so notoriously disreputable it is needless to further discuss his testimony.

The Cherokee nation desires to continue to urge that no freedman had any rights in the Cherokee nation prior to July 19, 1866. Not any more than a horse, a cow or any other chattel and we continue to urge that no freedman applicant acquired any rights except by complying with the treaty and returning within the time prescribed by its provisions. If these applicants were in Philadelphia and if they did not return until after June 1867 then they returned too late. They never forfeited any rights because they did not have any to forfeit They never acquired any rights because they did not comply with the treaty of 1866.

This has been the uniform construction placed upon this treaty both by the Cherokee nation and the Department and by the Court of Claims in the decree of February 3rd 1896; that the Court no where intimated that any exception could be made of any applicant; no exception was made of a minor; none of an insane person and certainly no exception should be made of this applicant and his wife because they voluntarily remained in Philadelphia to late to acquire rights under the treaty of 1866.

The Cherokee Nation did not agree to grant them rights; it only gave citizenship to those who complied with the provisions of the treaty of 1866 and we see no reason why the decision of the Commission should be disturbed but we urge that it should be affirmed.

Respectfully,

[illegible] D.C.

Attorney for the Cherokee Nation

M29

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-755

Muskogee, Indian Territory, March 16,1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of John Morgan for the enrollment of himself and his wife, Cynthia Morgan, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Enc. C-29

D.J.[illegible]-1904.

J.J.

I.T.D. 8104-1904.

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

June 30, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the matter of the application of John Morgan for the enrollment of himself and his wife, Martha Morgan, as Cherokee freedmen, involving your decision of March 9, 1904, rejecting said application.

Replying to letter of June 16, 1904, the Acting Commissioner of Indian Affairs recommends that you be directed to enroll the applicants as Cherokee freedmen.

You will advise the applicants and the attorney for the Cherokee Nation of the ruling Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the matter which he may desire, and the applicants ten days within which to reply to same.

Respectfully,

(signed) E.A. Hitchcock,

Secretary.

Mos

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-755.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Morgan for the enrollment of himself and wife as Cherokee Freedmen you are advised that the Commission is in receipt of Departmental letter of June 30, directing that the applicants and the attorney for the Cherokee Nation be given an opportunity to submit arguments in this case.

You are accordingly this day advised that you will be given thirty days from date hereof, within which to file with the Commission for transmission to the Secretary of the Interior, such argument as you may desire to submit, copies of which argument you will be required to furnish both the principal applicant and his attorney, A.H. Harwood, Dewey, Indian Territory.

For your information there is herewith enclosed a copy of the Department's letter above mentioned.

Respectfully,

Chairman.

Encl. D-G.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKENRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 755

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application for the enrollment of John Morgan and Cynthia Morgan as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1904.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-755.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 10, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of March 5, 1906, in which the motion for a review of the Cherokee freedmen enrollment case of John and Cynthia Morgan is denied.

Respectfully,

W. C. Bennett

Acting Commissioner.

Incl. 2-46

D.C. 13301p-1907

DEPARTMENT OF THE INTERIOR

G. R.
S. P.

I.T.D. 5106-1904
9705-1905

WASHINGTON.

L R S

DIRECT

March 4, 1907

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 3, 1907, there was filed by Messrs. McGowan and Serven a motion for review in the Cherokee freedman case of John Morgan, et al., wherein the Department on September 27, 1904 (I.T.D. 5106) held that the preponderance of the evidence showed that the applicants did not return to the Cherokee Nation prior to February 11, 1867, and affirmed the decision of the Commission to the Five Civilized Tribes rejecting said application.

The record shows that John Morgan belonged to the retinue of servants retained in Cherokee Chief John Ross's family, that after the war he was taken by Chief John Ross out of the Cherokee Nation about August 4, 1866, and that after the death of his said Chief at Philadelphia while absent as a delegate to Washington, D. C., on behalf of the Cherokee Nation, it is shown that the said John Morgan did not return to the Cherokee Nation on or before February 11, 1867.

Although applicants case may have come within the

ruling of the Assistant Attorney General for this Department of April 16, 1904 (I.T.D. 1240), in the Cherokee freedman case of Charles Foreman, who was also one of the retinue of servants retained by Chief John Ross on his absence as a delegate for the Cherokee Nation at Washington D. C., and who is also shown not to have returned to the Cherokee Nation until some time in May 1867, was in pursuance of said opinion enrolled as a Cherokee freedman, the recent ruling of the Assistant Attorney General for this Department of February 27, 1907 (I T.D. 5464), in the Cherokee freedman case of Burrell Daniels, applicant to be entitled to enrollment "must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and establish in person an actual residence within six months from that date or prior to February 11, 1867."

As it appears that applicant has heretofore been denied enrollment as a Cherokee freedman by the Department, he does not come within the saving clause provided by section

3 of the act of April 26 , 1906 (34 Stat., 137) and his motion for reopening and a rehearing is therefore denied.

The Indian Office has been requested to notify local attorneys of this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

(Signed) JESSE E. WILSON
Acting Secretary

26 inc . to Ind. Of.

W C F 3/8/07

COPY. J.J.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.17554-1907.

I.T.D.2400-1907.

L.R.S.

March 22, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 4, 1907 (Land 11395-1906), the Indian Office transmitted your report dated December 18, 1906, forwarding for departmental consideration a motion for rehearing in the Cherokee freedman case of John Morgan et al.

In view of section 2 of the act of April 26, 1906 (34 Stat., 137), said motion is hereby denied, and the papers in the matter have been sent to the Indian office for its files.

Respectfully,

Pearce H. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

0773

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of John Morgan, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

C. R. Rodgers

Acting Commissioner.

Encl. 3-4-4
[illegible]

013

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
R 721.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 6, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of John Morgan, et al., was denied by the Secretary of the Interior, March 22, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. L. Rogers
Acting Commissioner.

Encl. 6-102
LMC

Cher. Fr.D-756

Cher. Fr.D-756

File with Cherokee Freedman, D-756, Daniel Thompson

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie (Coody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.
Q What is your postoffice address? A Nowata.
Q What district do you livein? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A Igot six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 26.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Cortie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Coody.
Q What is your husband's name? A I got my papers here. My first husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Coody? A I married a Coody; I married Lewis Coody, some called him Lewis Blunt, but his name is Lewis Coody.
Q Have you been married twice? A Yes sir, I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband now is Blackwell.
Q Is your name Blackwell now in place of Coody? A Yes sir.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.
Applicant presents a certificate of marriage showing that she married one John Blackwell according to the laws of the United States on the 6th day of February, 1900.
Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know, Mr. Thompson was divorced. I guess he married again.
Q Is Cortie Tinnon your child? A That is my niece.
Q Have you any children of your own? A No sir, none but a boy.
Q Name your boy? A Thomas Ross.
Q What is his name? A Thomas Ross.

Q Is he your child? A Yes sir.
Q You are the mother of Thomas Ross, are you? A Yes sir.
Q How about this Gertie Tinnon, you say she is your niece?
A Yes sir.
Q What is her mother's name? A Dicey Tinnon.
Q Is she living? A No sir, she is dead.
Q What relation is Dicey Tinnon to you? A My sister.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A Mary and Tom Sanders.
Q Were they citizens? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A Choctaw Nation.
Q You were not taken any farther South than in the Choctaw Nation?
A No sir.
Q When did you come back? A I come back in '66; I come to Gibson.
Q You came to the Cherokee Nation in '66? A Yes sir.
Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and come again.
Q When did you go back to the Choctaw Nation? A I went back after '66, come to Webbers Falls in '66.
Q When did you come back from the Choctaw Nation the second time?
A Come back - I forget.
Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first come here.
Q And then come back here? A Yes sir.
Q Did you marry down there? A Yes sir.
Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
Q What was his name? A Albert Thompson.
Q Albert Thompson was a Choctaw then? A Yes sir.
Q Have you ever applied to be enrolled by the Choctaws? A No sir.
Q Have you got any children by Thompson? A Yes sir.
Q They are grown, are they? A Yes sir.
Q Where was Thomas Ross born? A Over here on Panther Creek.
Q Where was Gertie Tinnon born? A On Panther Creek.
Q Both in the Cherokee Nation? A Yes sir.
Q Your sister Dicey is dead? A Yes sir.
Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
Q Did she go out with you to the Choctaw Nation? A Yes sir.
Q Did she come back with you? A Yes sir.
Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
Q Did she come back to the Cherokee Nation with you? A Yes sir.
Q And she lived in the Cherokee Nation then until she died?
A Yes sir.
Q Have you got any proof, any witnesses? A Yes sir.
Q Who are they? A Charles Chambers and Jim Alberty.

The 1880 authenticated roll and the 1880 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her deceased daughter are not found thereon.

The Lorena Clifton Roll examined and the name of the applicant is found on page 162, No. 6011, Katie Coody, Sequoyah District.

Did you ever know Gertie and Tom? A Yes sir, the last applicant.

The Lorena Clifton Roll examined and the name of Gertie Tinnon is found on page 171, No. 6414, in Sequoyah Dist.

Q What is the name of the child, you have whether you want to enroll? A Lonnie Tinnon.
Q How old is Lonnie Tinnon? A About 14 years old.

The Lorena Clifton Roll examined for Lonnie Tinnon and the

name is found on page 171, No. 4213, in Cooweescoowee District.

Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Vann.

Q Wont he enroll him? A No sir, he aint been here to enroll him.

The Kerns Clifton Roll examined and the name of the applicant's son is found on page 171, No. 4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross.

L. B. Bell: You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him - we don't want two put on? (No answer).

Q Where was this child born at? A Born right ove on Panther Creek they were all born over there.

Q How long has his mother been dead? A I reckon she has been ddad about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace payment.

Q You married in the Cherokee Nation after you went back in 1866?

A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years

Q Where did you land at in the Cherokee Nation when you came back?

A I came to Webbers Falls and when I went and returned I came to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q Don't say you came to Gibson, did you stop there any length of time? A Yes sir, I came to Webbers Falls. I came from Webbers Falls to Gibson, and then I went in the Cherokee Nation.

Q After you came back from the Cherokee Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Barnes.

Q Ain't she dead? A I don't know.

Q Name a live one? A I don't know: Peoks was here and Thompson.

Q These Peoks were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Rave's place and from there to Sussana Moss' place.

Q You stayed at Henry Rave's place the first time after you came back from the Cherokee Nation? A Yes sir.

Q These Peoks knew you? A Yes sir.

Q You came directly to Gibson from the Cherokee Nation and on to Tahlequah? A Yes sir. When I first came looking of the Lighter

Q Leave that out, and go to where you started from the Cherokee Nation the second time? A I came through to Webbers Falls and stayed one year at Gibson.

A You said you came to Webbers Falls, stayed a year, came to Gibson and did stayed a year and then went back to the Cherokee Nation? A Yes sir, I stayed it up. I said I came to Webbers Falls and from Webbers Falls to Gibson, I stayed there one year, then I went back to

the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A I come to Gibson and from Gibson to Tahlequah.

Q You come through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Hare's place one year?

A Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q How old are you? A Seventy years old.

Q What is your postoffice? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, Katie Blackwell? A Yes sir.

Q How long have you known her? A I have been knowing her ever since the war commenced.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She belonged to James Sanders.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.

Q Where did she go to? A To the Choctaw Nation.

Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '65.

Q You saw her in '65? A Yes sir.

Q Where? A I saw her at Gibson the first time.

Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.

Q After that? A Yes sir.

Q Where did you see her after that? A I never seen her no more after that. I never seen her anymore until she come back again.

Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seed her until she come back again.

Q How long, five or six years? A Yes sir, as much as five or six years.

Q Have you seen her occasionally since that time? A Yes sir.

Q She has lived in the Cherokee Nation since that time? A Yes sir.

Q Do you know her children? A I know them when I see them; I just can't name them all.

Q Do you know Martin Tinnon? A I know boy, yes, sir, when I see her

Q Do you know the boy, Lumsie? A Yes, sir.

Q Is he living? A Yes, sir, he was living with her when I first know him.

Q You don't know whether he is alive to-day or not? A No sir. I don't.

L. B. Bell That time in the year 1880, did you see this applicant?

A It was along in the spring when I seed her.

Q What is along in April or May? A Somewhere along there: I couldn't tell you the month, before the grass had leaved were out.

Q What were you doing in Gibson then? A I was riding around.

Q Just riding around? A Riding around, sir.

L. B. Bell of Applicant: She brought you back to Baldwin Valley?

A [illegible]

Q [illegible] around? A No sir.

Q Where did you expect from when you started back to Baldwin Valley?

A [illegible]

Q Where did you start from? A From the Choctaw Nation.

Q The Choctaw Nation is a good big place? A Pretty good.

Q Did have plenty to eat there? A Yes sir.

Q Other [illegible]? A No sir.

Q. What time of the year did you start from home in 1863?
A Why it was along in the spring.
Q The grass was up, was it? A Yes sir.
Q How did you come? A Came by wagon.
Q About how long was you on the road? A Well, I don't know, sir, how long we were on the road.
Q A month, I guess it was one hundred miles or two? A I guess it was, I don't know how far it is from here to the Choctaw Nation.
Q I mean from Thompson's Salt Creek down to Webbers Falls? A I don't know how far.
Q Were you as much as three weeks on the way? A Yes, and maybe four.
Q How long did you stop at Webbers Falls? A We didn't stop very long at Webbers Falls.
Q A week or two? A About one week or two.
Q And then you came to Gibson? A Yes sir, came right on through.
Commissioner of Applicant: Your first husband's name was Thompson?
A Yes sir.
Q Your second husband was Blunt? A Yes sir.
Q Your third husband was Blackwell? A Yes sir.
Q What was your father's name? A His name was, as good as I can recollect, his name was John Fox.
Q Do you know what your mother's name was? A Martha Downing.
Q Who did you say you belonged to? A Mary Sanders and Tom Sanders.
L. B. Bell: Are they both dead? A My master is dead. I don't know whether Mary is dead or not.

JIM LIBERTY, being sworn and examined by Commissioner L. B. Needles, testified as follows:
Q What is your name? A Jim Liberty.
Q How old are you? A 70 years old.
Q What is your postoffice? A Choouteau.
Q Are you a Freedman? A Yes sir.
Q Your name is not on the roll of 1880, is it? A No sir.
Q Do you know the applicant here, Katie Goody or Katie Blackwell?
A Katie Goody, yes sir.
Q Was she a slave before the war? A Yes sir.
Q Who did she belong to? A To the Sanders.
Q Do you know whether she was taken out of the Cherokee Nation or not during the war? A Yes sir.
Q Where to? A She went South.
Q To the Choctaw Nation? A Yes sir.
Q Do you know when she returned? A Yes sir.
Q When? A In '66.
Q How do you know that? A I saw her at Gibson in '66.
Q Do you know how long she stayed in the Choctaw Nation at that time? A No sir.
Q You don't know whether she went back to the Choctaw Nation or not? A No sir.
Q But you saw her in '66 in the Cherokee Nation? A Yes sir.
Q And you know her then? A Yes sir.
L. B. Bell: What time in the year of '66 did you see her? A It was long by there matter. I don't know exactly what time.
Q Was it summer or spring? A I think it was summer. It was warm.
Q Were you living then at Gibson? A No sir, I never lived at Gibson; I was out there but three days at a time in my life.
Q Did you happen to be there that day? A Yes sir, I went to go among people.
Q Did you see her there pretty frequently for the next two or three years? A No sir.
Q Did you see her regularly? A No sir.
Q You saw her at that time? A Yes sir.
Commissioner of Applicant: Where did Dunbury live when she was taken out? A They lived along in Kansas at that time, I reckon it is.
Q Is Dunbury deceased, as Mr. Bobbitt said you knew, do you?
A Yes sir, I think he is my friend.
Q Do you know of the marriage? A Yes sir, I have been

at the house; that is not right at their house, I met them at a church.
Q Were someone in that neighborhood? A I wasn't acquainted there.
Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sander's aunt the first people that raised them.
Q They were raised on a place with you? A Not here, but older people.
Q I am asking you what you know about her? A I told you what I know about her.
Q You don't know where she did live, only that she lived in the nation? A That is all, I never was at her House.
Q You never seen her until you met her in '66? A Yes sir, I saw her before.
Q Where did you see her before? A On Peavine Creek near the whitewire place.
Q That was a creek down in Spingwake District, wasn't it?
A I don't know where it was.
Q What did you understand by Peavine? A That is what they called it, the Creek, Peavine.
Q Was you ever down on Peavine? A Yes sir.
Q When? A Before the war, I come from there.
Commissioner Hodges: You say Sanders' lived in Flint District?
A I don't know exactly; it was down in that way.
Q You are not positive whether it was Flint District or not?
A No sir.

Commissioner of Applicant: You know that these three children, Gertie Tinnon, Lunnie Tinnon, and Thomas Ross are alive now are they?
A Yes sir, I brought the little girl with me.
Q Where is your boy? A He is in jail.
Q Who is Lunnie living with? A He is living with Johnson Vann.

Katie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mary and Tom Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '66. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1896. Her name is found upon the Kowetah Children Roll, and the name of the three children, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Lunnie Children Roll. She avers that she has been married three times: first, to Thompson; second, to one Sheet or Sandy, and thirdly, to her present husband, John Blackwell. She is only identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not found upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children so enumerated herein will be denied her enrollment as Cherokee freedmen upon a formal card setting forth the conclusion of the commission. When the commission arrives at a decision in her case, she will be notified of the same by mail.

The stenographer, being duly sworn, states that he stenographed to the examination of the five civilized tribes, he correctly recorded the testimony and proceedings in said case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed, J. S. Wilmoth,
Subscribed and sworn to before me this 2nd day of May, 1906.
Signed, C. R. Breckinridge,
Commissioner.

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Sidney G. Vann, being duly sworn, says that he is

A.1900
VALLEY
ABERCO HOLYOKE MASS

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I T., June 18,1901.

In the matter of the application of Daniel Thompson for the enrollment of himself as a Cherkee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee nation.

Q What is your name? A Daniel Thompson.
Q How old are you? A 29.
Q What is your post-office address? A Nowata.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Cherokee Freedman's heir I guess.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A On the Wallace and Clifton roll.
Q What is your mother's name? A Katie Coody, Katie Blackwell, used to be Coody.
Q Are you married? A Yes sir.
Q Who do you want to enroll besides yourself? A No one.
Q Is your name on any of the rolls of the Cherokee nation? A On the Clifton and Wallace roll.
Q You don't apply for your wife? A No, she will enroll herself.
Q Any children? A Yes sir.
Q She will enroll the children? A Yes sir.
Q Where were you born? A In the Nation.
Q Where? A I was born in the Choctaw Nation.
Q When did you come from the Choctaw Nation to the Cherokee Nation? A No, I was wrong, Webbers Falls is where I was born.
Q That's the Cherokee Nation? A Yes sir.
Q You are mistaken about being born in the Choctaw Nation?
A Yes sir.
Q Where have you lived all your life? A Right in the Cherokee Nation.

Vern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 171 #4208 Dan Thompson, Coowescoowee District.
Wallace roll of citizens of the Cherokee Nation examined, and applicant identified on
page 173 #3228 Daniel Thompson, Coowescoowee District.

Q Where were you when you were first old enough to remember? A I was at Tahlequah.
Q About how old were you? A Well I guess I was 7 or 8 years old.
Q How were you to get that you were born at Webbers Falls? A Yes sir.
Q You don't remember living there? A No sir.
Q Where were you married? A Down a ro east of Nowata, about four miles.
Q When? A In '98.
Q Have you ever lived in Kansas? A No sir.

Sam'p Blackwell, Daniel Thompson applies for the enrollment of himself; he averred he is a son of Katie Blackwell, formerly Katie Coody, who was duly listed for enrollment as a Cherokee Freedman on Dawes' roll 307, and the testimony taken in the case of said Katie Blackwell will be made a part of the record in the case of her son, and a copy thereof filed herewith. He claimed he should be enrolled as a Cherokee Freedman

Daniel Thompson 2

of 1880, but is identified upon the Swim-Clifton and the Wallace roll, according to page and number of the roll as indicated in the testimony; he makes satisfactory proof as to residence, and now Daniel Thompson will be listed for enrollment as a Cherokee Freedman, on a doubtful card, awaiting further consideration of the Commission; he will be notified at his post-office address of the action of the Commission when same is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 26, 1901.

Commissioner.

-R-

File with Cherokee Freedmen, D-786, Daniel Thompson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

HENRY STAN, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Stan.
Q What is your age? A About 50, somewhere along about 50.
Q Where were you born? A Born in Missouri, I reckon, I came from Missouri, I don't know exactly where I was born.
Q Where did you go during the war? A Went to Texas.
Q Were you in Texas at the close of the war? A Yes, sir.
Q Where were you for the first two or three years after the war?
A I was there on the frontier and around about in Texas and there.
Q Well, about how long after the war was it before you left Texas?
A Well I reckon it was somewhere along four or five years, about five years I reckon, somewhere along there, I never kept no count of the time, I just appear about that time.
Q That is your best judgment? A Yes, sir, might have been longer.
Q Where did you go to when you first left the State of Texas? A When I first left there I went to the Choctaw Nation and then I went to the Chickasaw Nation.
Q Do you know Katie Blackwell, or Katie Goody? A Well, I don't know them by that name.
Q Well, did you know Katie Thompson? A Yes, sir, I knew Katie Thompson.
Q Did she have a sister? A Yes, sir.
Q What was her sister's name? A She had one named Dicey.
Q Did you know Katie's mother? A Yes, sir.
Q And what was her name? A Her name was Martha.
Q Did Martha have any other children besides Katie and Dicey?
A Yes, sir.
Q What was their names? A One boy by the name of Charley Blackburn.
Q You testified in this case the other day? A Yes, sir, and had a girl by the name of Dessie.
Q Well, the time Katie married when you first came here? A Yes, sir.
Q What was her husband's name then? A Albert Thompson.
Q What was Albert Thompson, was he a freedman? A Yes, sir, Choctaw freedman.
Q Did you ever know of her having another alias or her husband other than this? A No, sir, to my know it, I didn't know it.
Q Did you ever hear of her going by any other name other than this? A Yes, sir, they had another name was there I don't remember it, I don't know she had another name.
Q Was she married to Henry Blackburn? A Yes, sir.
Q Was she married to, or did she married as all other you know Figgs? A Yes, sir, she was married.
Q What was her husband's name? A Dessie Ferrell.
Q What was your husband's name? A Dessie Ferrell.
Q Did she have any children by this you had her name? A Yes, sir.
Q Did she have any children by a little group of [illegible] of us
[illegible]

Knew her or not, I have forgot.

Q Now when did you know Tatie and Tissy and her mother first?

A Well, we were on a little creek then called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle, it was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, how long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about how far? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead, I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Tatie Thompson and Dicey Sowrell and Tempie Thomas and Ben Ballinger, and Mary Ann, that was her youngest child.

Q Was Tempie married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Tempie come up with you? A Yes sir, I brought her in my wagon, she is the one I hooked up here.

Q How many wagons did you have along in that train? A Three.

Q Now all these people you have mentioned you brought up, did you?

A I brought up Dicey and Tempie in my wagon.

Q Well, those others that you mention came along in the same crowd?

A Yes, sir, they were all in the same.

Q Through what district did you come? A Gosh now I can't tell you.

Q I mean up in this country, I don't mean below? A Well we came through Fort Gibson.

Q How long did you stay there? A I didn't stay here but a few minutes, just stopped there in Fort Gibson and then on through.

Q Did have any difficulty about being let here? A No, sir, they said anything to us about it.

Q Made no question about it? A No, sir.

Q You came on to Tahlequah? A Yes, sir, I went up out to Mr. Reynolds' the first and left the second family, we got to the house and spoke to Mr. Reynolds.

Q The little married child you spoke about? A Yes, sir.

Q Was Dicey? A Yes, sir.

Q Were they brought back some time to stay? Were they living? A Well, when I first came there they were not married yet, they came in the house with us children, and they did not have married after that.

Q Did have them living up a big by some chance? A Well, [illegible] a little.

Q Did you [illegible]? A No, to see [illegible]

Q That was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Temple married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Blagburne I think married down there.

Q Do you remember how many children Kitty had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jess and Henry and a girl they called, her nick name was Dude, I forget what her right name was, but they called her Dude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether they had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I won't be certain about it.

Q Well did Temple Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.

Q Do you remember their names? A The boy, Will was his name.

Q Did you mention one of them by the name of Nancy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Smilstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forgot those children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason I say that, I was taking the figures in this way: when we came it was the year, we came the fall before the first ten dollars, that breed money was paid out, and that was paid out in '73 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time that additional was got in at the Seminary.

Q How far did these people live apart in the Chocktaw Nation?

A The families?

Q Yes? A Well they lived, Temple lived about between half a mile and three quarters from their father.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Rose down there? A Yes, sir.

Q Was he there when you first went over? A I don't know off hand whether he was or not.

Q What other people lived around in that neighborhood, any children or grandchildren, people living there? A Yes, sir, Mike Bennett and all that family, I don't know how many children, and he had a son by the name of John Bennett, and then he had a son was a doctor, they all called him Doctor Bennett, I don't know what his name was only Doctor Bennett, and they was about the closest around, the closest from children, had grandchildren there, Dan Colbert and Richard Colbert, there were, the children were right down there but I don't remember the name, the children were right down there but I don't remember the name, I was well acquainted with them but I have forgot them.

Q Are there any of you or you kin people there before you moved out with them? A Some of my kin.

Q Do you know? A Yes, sir.

Q Do you know Frank Colbert? A Yes, sir.

Q Do you know Dan Colbert? A Yes, sir.

Q Do you know Richard Colbert? A Yes, sir.

Q Do you know Jim Rose? A Yes, sir.

Q Do you know Mike Bennett? A Yes, sir.

Q Do you know Doctor Bennett? A Yes, sir.

Q Do you know Frank Bennett? A Yes, sir.

Q Do you know Dude? A Yes, sir.

Q Do you know Jess? A Yes, sir.

Q Do you know Henry? A Yes, sir.

Q Do you know Will? A Yes, sir.

Q Do you know Nancy? A Yes, sir.

Q Do you know Mat? A Yes, sir.

Q Do you know Martha? A Yes, sir.

Q Do you know Temple? A Yes, sir.

Q Do you know Kitty? A Yes, sir.

Q Do you know Dan? A Yes, sir.

Q Do you know Charley Blagburne? A Yes, sir.

Q Do you know Charley Blagburne's wife? A Yes, sir.

Q Do you know Charley Blagburne's children? A Yes, sir.

Q Do you know Charley Blagburne's children? A Yes, sir.

Q Do you know Charley Blagburne's children

on the —

Q How long times you have been here? A I haven't been far for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years. That is something I don't keep the date. I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been? A I can't tell you, without I sit down and do take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Because I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live in Tahlequah.

Q How long have you lived there? A Lived there about something over 20 years or maybe longer. I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my parents.

Q What year did you go back the Cherokee Nation from Texas?

A I don't know, sir.

Q Can't you give an idea? A No, sir, I don't.

Q How is it then that you remember the year you came to this country and don't remember anything else of any other year? A Well sir, I don't know, I don't remember I was only by the time I got the count of the time that I came here, that was Aaron, and figured it up from that time.

Q Now look here, you don't know exactly about the payment in 1873, you don't remember that any payment took place in '74 did you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '74? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1874 here? A Well they paid ten dollars here.

Q How do you know it was '74? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we came here in '74.

Q Why? A Because the money was paid out the next spring.

Q Well that is why you say that money was paid out? A In '75.

Q [illegible] A [illegible]

Q How do you know that that [illegible] that [illegible] that [illegible] it was paid out.

Q Well you [illegible] A [illegible]

Sir, I [illegible] [illegible]

[illegible]

[illegible]

[

it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Nancy and Jessie and these other children.

Q Who else was she the mother of? A Dude, and I believe that is all.

Q Now give the names of Katie's children, sir you know? A Well Jessie and Henry and Dude and Ben. Dude was a nick-name I think. I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here testifying Luddie Blackwell and Ann Williams? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years?

A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jessie? A I don't know how old he is.

Q Did Katie have a child by the name of Jesse? A No, sir, not as I know of.

Q Jesse Boone? A Not as I know of.

Q You say that Katie Blackwell had a sister by the name of Divey?

A Yes, sir.

Q What other name did she have besides Divey? A Divey Borrello.

Q Did they ever call her Divey Tinsen? A I don't know, she might have got that Tinsen name after she came here.

Q I ask you if she was ever called Divey Tinsen? A I don't know.

Q You never heard of her being called Divey Tinsen? A They might have. That is the name she had for name.

Q Did you ever know of her being called Divey Tinsen? A Yes, sir.

Q What do you mean by testifying that way. Didn't you say just now that she might have been called that, that she might have married some man by the name of Tinsen? A Yes, sir, I said that.

Q And now you know you don't know she was called Divey Tinsen?

A Yes I do.

Q When did she called Divey Tinsen? A I have heard of her being called Divey Tinsen the last time I saw her in the South, that Divey Tinsen was it.

Q You didn't you tell Mr. Hastings that you called Divey Tinsen?

A I didn't have her by that name at that time.

Q You don't know you testified you did call Divey Tinsen?

A I have heard you say.

Q You said yes? A Another witness said to her name?

Q Another witness? A Yes, sir.

Q You are sure you said that yes? A Yes I might as well

Q Did they come here by the side of Katie Blackwell? A No, sir.

Q Did they come in Katie Thompson?

Q You don't know you testified yes you recognized your kin

Q Do you know Katie Thompson? A No, sir, I don't know

Q Did they come in the same wagon? A No, sir, I don't know

Q Did they come in a different wagon

whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedman Doubtful cases: D-527, Katie Blackwell; D-533, Lucinda Blackwell; D-534, Ann Williams; D-543, Vinita Martin; D-558, Katie Madden; D-628, Hattie McNair; D-754, Jenny Roach; D-756 Daniel Thompson; D-857, Hanna Chambers.

HENRY HEAD, recalled by attorney for applicants, testified further as follows:

Mr. Mellette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter by a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, two years ago, you say you saw her there? A I saw her up on Lightning Creek.

Q What were you going on on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek? Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, Hayden [illegible], [illegible] along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times. I said about ten years ago, I was up there several times. It might have been a little earlier. Anyway I remember at the time. It might have been a little earlier. Anyway I might have been in.

Q Did Hayden live there at that time? A Yes, sir. He lived out there.

Q Was there a celebration was that? A Yes sir or August.

Q Where is on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I didn't look just to see it [illegible] I don't know anything to tell about this [illegible]

Q Did he or she by any [illegible] A [illegible] I don't know. I can't tell you.

Q She to live there? A [illegible]

Q [illegible]

Q [illegible]

Q

ing over them.

Q How long did you see this woman at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

FRANK PACK, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 49.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Katie Thompson and Nicey Sorrelist? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bean did, I seen them all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '79 my mother died and we moved off and rented the place to some people, they moved over on our place across the river and made a crop there one year.

Q How far is that from Tahlequah? A That is about six miles apart.

Mr. Mellette: How just can you fix when you first met this man Henry Bean in '7-

Q '74 or '75, along in there somewhere.

Q How can you remember it was that year? A Because my mother died in '79 and I had seen them a while before she died, I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that long, I don't think it was hardly a year.

Q Well, when did you first meet Nicey? A [illegible] I will tell you my second [illegible] I met her [illegible] a little before she died.

Q That is, I have my impression with her [illegible] and it was always around there, in [illegible].

Q Why does the death of your father make you remember when you first saw Henry Bean? A [illegible] very many [illegible] people around in there that had been [illegible] and that makes me remember [illegible].

Q Do you remember any other occasion you met him in that country [illegible] A I [illegible] [illegible] Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q And you can remember it was '74 or '75? A Yes, sir.

Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.

Q Do you know John Ross? A Yes, sir.

Q When did you first see him? A I can't tell exactly, he was quite small when I first seen him.

Q Where did you first see him? A At Tahlequah.

Q When? A Along, I can't say exactly, he was a small boy.

Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.

Q Now Pack, Henry Bean came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.

Q Are you employed by the Cherokee Nation now? A Yes, sir.

Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.

Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.

Q You are kept here as a witness are you, too? A Not particular I don't guess.

Q Then what do you do for the Cherokee Nation? A Anything they want me to do; clean up the room, bring water, go and get the mail, anything they ask me I go and do it.

Q And you are willing to swear positively that Henry Bean came about Tahlequah in '73 or '75? A Yes, sir.

Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

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L. B. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.

Q How old are you? A 62.

Q What is your postoffice? A Vinita.

Q Mr. Bell, what was the date, if you know, of that first payment, that was made some eight or ten or twelve years after the war? A Well it was that we call the bread money, the first payment we had, was in '78; some of them calls it the $10.00 payment, and the ten dollar payment.

Ethan F. Jones, being duly sworn, says that as stenographer to the Board sent to the Five Civilized Tribes he correctly reported the proceedings and testimony in the foregoing case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this the [illegible] day of [illegible], 1906.

[illegible]

Commissioner.

File with [illegible] Daniel Thompson, G. F. D. #38.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Katie Blackwell et al, G. F. D. #327.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicant.

PATSY JOHNSON being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation;

(By Hastings)
What is your name? A Patsy Johnson.
How old are you Mrs. Johnson? A About 58.
Where were you born? A On Caney at Nick Sanders.
Are you a recognized citizen of the Cherokee Nation? A Yes sir.
What is your post office address? A Fort Gibson.
How long has it been your post office? A It has been ever since the war
Were you the property of Nick Sanders before the war? A Yes sir.
Where were you living at the close of the war? A Gibson, Port Gibson.
What was your maiden name? A Patsy Sanders.
When were you first married? A I dont remember the year.
About how long after the war-- your first husband was named Dennis wasn't he? A No sir, Joe Brown.
When were you married to Dennis? A Must have been in '69.
In the spring or fall? A fall.
What was Dennis doing at that time? A He was a soldier.
In the regular army? A Yes sir.
Where were you married to him? A Fort Gibson.
Well did you continue to live there that year? A Yes sir a part of that year.
Where did you go from ther ? A Fort Arbuckle.
Where is that? A Chickasaw Nation.
Did you know a colored woman who goes now by the name of Katie Blackwell, and who about that time was known as Katie Thompson? A Yes sir.
Where did you first know her? A Fort Arbuckle. In the Chickasaw Nation
When did you first know her? A In the last part of '69 I think it was.
What was Katie's husband's name? A Alex Thompson.
Did she have a mother living? A Yes sir, Martha.
What was her husband's name? A Sid Thompson.
Did Katie have any sisters? A Yes sir.
Name some of them? A Diney Sorrel at that time, Ann Mellstone and Amy Thomas.
Did you see them all there at that time? A Yes sir.
Do you know Charlie Blackburn? A I used to see him, not well acquainted with him.
Did she ever married a Sorrel? A Yes sir.
What was his occupation? A Soldier in the same company he married [illegible]
Where were they stationed? A In that country some place.
How long did you remain at there? A Six months I think.
Then where did you go? A Came over to Gibson.
Did you call acquaintance with them while they were out there? A Yes sir.
Did they say anything about having been married before the war? A No sir.

Did you ever [illegible] A [illegible] [illegible]
[illegible] A [illegible]
[illegible] A [illegible]
[illegible] A [illegible]

Q Who told you [illegible] A Dicey.
Q Well, what did she tell you? A That her mother and the rest of them had gone on to Tahlequah--she stopped with me.
Q You didn't see the rest of the family at that time then? A No sir.
Q Where were you living then when she stopped with you? A 7 miles from Fort Gibson.
Q How far from your mile Branch? A 4 or 5 miles.
Q Do you know if Dicey Sorrel had any children at that time? A Yes sir
Q What ages? A Two little boys and one girl.
Q What were their names? A Hattie was the girl, she was the oldest one, one boy named Morris and one Richard.
Q How long did they stay at your house that time? A 5 or 6 months.
Q Did they tell you then where they were from? A No sir.
Q Didn't say where they came from? A No sir.
Q Did they at that time say anything about having been here before, since the war? A No sir didn't say.
Q Was Dicey Sorrel acquainted with where people lived in the country at that time? A I think not.
Q Was you acquainted with her before the war? A No sir.
Q What made her come to your house in '74? A I met her in Fort Arbuckle, our husbands were soldiers together.
Q Had your husband been a soldier with her husband before Sorrel married Dicey? A Yes sir.
Q They staid at your house 4 or 5 months? A Yes sir, something like that
Q Do you know Henry Bean who lived at Tahlequah? A Yes sir
Q Did you see him at that time? A Yes sir he brought Sorrel's family to my house.
Q Who did you say Tempy married? A Man named Thomas.
Q And Nan married Hailstorm? A Hailstock.
Q Did you see Nan and Tempy at Fort Arbuckle in the Chickasaw Nation? A Yes sir.
Q From the time you left there way in '69 you never saw them until they came to your house in '73 or '4? A No sir.
Q After they came there did they talk to you about Fort Arbuckle? A Not much.
Q Do you know what Dicey's name is now? A I think she married a man named Tanner or Tinner, I was not quainted with him.
Q Where did they go from your place? A Went to Tahlequah.
Q Did you ever afterwards see Kate and the rest of the family at Tahlequah? A Yes sir.
Q Do they live there now? A No sir they moved up that way some where I dont know where.
Q Have you seen her since? A No sir.
(By Smith)
Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A Nick Sanders.
Q Do you know who the slaves Kate belonged to? A No sir.
Q Where did you live during the war? A Fort Gibson.
Q Did you go out at all? A Yes sir.
Q Where to? A Fort Arbuckle.
Q When did you get back? A I just remember when I came.
Q In '63 or '4? A No sir I didn't come away at that time.
Q You didn't go away until after the war began? A No sir.
Q Where were you when the war closed? A Fort Gibson.
Q Where were you the next year? A On Nick Sanders place on the Bayou.
Q Who were you then? A Slave of Nick Sanders.
Q Was I No sir, '65.
Q What year did the war close? A '65 I think.
Q You think that was the year after the war closed was that? A No sir, the year that ended it.
Q Well, what year did you come away on the place you spoke of? A '65.
Q Was that the year after the war closed you came on the place? A Yes sir.

Then it must have been four or five years after the war that you made a crop on that place? A Yes sir, we made one crop close to Gibson, across th river from Frank Smith's place.
Q What year was that? A I dont know what year.
Q You say you know this woman in '69 in the Chickasaw Nation , now you don't know anything about '68 do you? A Yes sir.
Q You say the war closed in '65? A Yes sir.
Q And you say you made a crop the year after the war closed and that was in '67? A We made a crop in '67 on the Lost Runnion place and on the year before on the Frank Smith place.
Q Was it the year after the war closed? A (No response)
Q You say it was in '69 that you saw this woman in the Chickasaw Nation?
A Yes sir.
Q How long had you been married when you went to the Chickasaw Nation?
A I married here that year.
Q What month? A In the fall.
Q How long had you been married when you went to the Chickasaw Nation?
A I dont know, I think——I married before I married Dennis—I wasn't married to Dennis when we made these crops—I married him as a soldier and went off with him.
Q You married him in '69? A Yes sir.
Q How long did you stay with him in Fort Gibson before you went to the Chickasaw Nation? A Not long.
Q How long, three month? A No sir,I dont know how long.
Q Was it a year? A No sir.
Q Was it six months? A No sir.
Q Three months? A No sir, it wasn't a month I dont think.
Q How long had you been in the Chickasaw Nation before you saw this woman Katie Blackwell? A Not long, they worked in the garrison there.
Q Was your husband still a soldier then? A Yes sir.
Q How did you go to Fort Arbuckle? A In a wagon.
Q Who went with you? A The man that was driving the wagon.
Q Was you and he along in that wagon? A Yes sir.
Q Was that all that went? A No sir the company of soldiers, the [illegible] cavalry.
Q In '69? A Yes sir.
Q And your husband was a soldier then? A Yes sir.
Q How long was he a soldier thehere? A He was a soldier five years and the term.
Q How long had you been in Fort Arbuckle before he quit? A I dont know
Q And you come back that same year or was it longer? A I dont know how long it was, soldiers moved about in such a shape that I don't know.
Q Tell me how you fix the date of '68——what makes you think it was '68?
A Because we was——I had one child before I married Dennis,it was born in '68 and in '69, the last part, I went away with the soldiers.
Q How old was that child when you went away? A 8 or 9 months.
Q How do you remember the child was born in '68? A I remember it very well.
Q Do you know the difference between '67, '8 and '9? A Yes sir.
Q How many children have you got? A Four.
Q What year was the next one born? A Born in '70.
Q When was the next one born? A '72.
Q When was the next one born? A Born in——you can count 10 up. It is 9 years old now.
Q You don't know the year? A If I [illegible] to count 10 up I could.
Q Do you know the year the Vallandigham [illegible] was made? A If I [illegible] study I
Q Was there to lots of things that I don't remember. There were so
Q [illegible] that happened a long time ago that I remember well enough, and
Q other things that I don't remember at all that happened [illegible] so long ago.
Q [illegible] 10 through while in [illegible] 10 old
Q You were a Fort Gibson all that year? A Yes sir.
Q The old [illegible] Katie Blackwell he was? A I [illegible] I don't know

she was married.

Q Was she an old woman or a middle aged woman then? A I would call her a middle aged woman then.

Q Was she as much as 40 when you knew her? A I didn't know.

Q What would you call a middle aged woman? A 40, or 30 I guess.

Q You think she may have been [illegible] 40? Did she have any children?

A I think so, but I didn't [illegible] the children.

Q Didn't she come to your house [illegible]? A No sir. Never came

Q Wh o was Nancy? A Kate's sister.

Q Was it Dipey or Lyle that you [illegible] the Chickasaw Nation? A S

I saw them all there. I was [illegible] four sisters and some of the family I didn't recognized with.

Q How many crops did you make before you went to the Chickasaw Nation?

A We made two.

Q Where did you make the crop the first year after the war? A On Frank Smith's place.

Q What's the next year? A [illegible].

Q What the third year after the war? A The best crop we made we made on the Bayou.

Q When was that? A The year of the cholera. A [illegible] all my people died and I think it was in '67.

Q You know it was after the war when you made a crop on the Frank Smith place? A Yes sir by step [illegible] made a crop there; I dont think the war was quite closed then.

Q How many years was it when you made the crop on the Bayou? A I think he had leased another crop up on Fourteen Mile Creek I was not there though.

Q You never were at Webers Falls during war? A No sir never was there.

Q When did your husband quit the army, if you can tell me? A He quit the army in '72 I think it was that his time was out.

Q At what place did he quit? A I dont know where he was discharged, when he came home I was at home.

Q Where? A Where I am living now.

Q Fort Gibson? A No sir never fellow the other army.

(By Hastings)

Q What is your best judgment as to how long you were at Fort Gibson?

A 3 or 4 months.

Q What year comes before '67? A [illegible]

Q What year, do you think the war closed? A '65, I think.

Q Were you in '65? A Fort Gibson.

Q Did the war close in '65? A No sir, the war [illegible] going on there, right there. They was fighting off from there I think; I was in the town of Fort Gibson then.

Q You were married at Webers in '65? A Yes sir.

Q Yes sir? A Yes sir [illegible] was the year we got with land [illegible]

* * * * * * * * *

[illegible]

[illegible]

F20756

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & BERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Daniel Thompson.

75-6

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1906.

NEAL, MARTIN & McCARTHY,
Attorneys for Cherokee Nation.

By_____

PD 756

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of..... A. D. 1901.

Given under my hand this.....

day..... A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 18 1901 1901.

William Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A D 1901

Subscribed and sworn to before me this day of A D 1901

NOTICE!

IN THE MATTER OF The application of Daniel Thompson for enrollment as a Cherokee Freedman;

Case No. F. D. 756

To Daniel Thompson or Mellette & Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, Citizen of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I T Indian Territory, on the following dates, to-wit: Sept. 21st at 8 o'clock A. M. A. D 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept. 1901.

C B Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

Cher.Fr.D-757

Cher.Fr.D-757

the passageway to the Fire Department [illegible] by copied the foregoing.
and that the same is a true [illegible] from the original.

[illegible]

sworn to and subscribed before me this 15th of August, 1902.

[illegible]

[illegible]

[illegible]

Katie Cherokee Freedman. D- 457 Henry Chambers

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedmen: she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie (Goody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 35 years old, I guess.
Q What is your postoffice address? A Vinita.
Q What district do you livein? A Coweseccowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A I got six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 23.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Gertie Tinnon.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Goody.
Q What is your husband's name? A I got my papers here. My first husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with his son.
Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.
Q Have you been married twice? A Yes sir. I have been married three times.
Q Who was your first husband? A [illegible].
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband was Blackwell.
Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q [illegible] A Blackwell.
Q [illegible] A Yes sir.
Q Is he living? A Yes sir.
Q [illegible]

Q Is he your child? A Yes sir.
Q You are the mother of Thomas Ross, are you? A Yes sir.
Q How about this Gertie Tinnon, you say she is your niece?
A Yes sir.
Q What is her mother's name? A Dicey Tinnon.
Q Is she living? A No sir, she is dead.
Q What relation is Dicey Tinnon to you? A My sister.
Q Were you a slave during the war? A Yes sir.
Q Who did you belong to? A Mary and Joe Sanders.
Q Were they citizens? A Yes sir.
Q Were you taken out of the Choctaw Nation during the war?
A Yes sir.
Q Where to? A Choctaw Nation.
Q You were not taken any farther South than in the Choctaw Nation?
A No sir.
Q When did you come back? A I came back in '66; I came to Gibson.
Q You came to the Cherokee Nation in '66? A Yes sir.
Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and came again.
Q When did you go back to the Choctaw Nation? A I went back after '66, came to Webbers Falls in '66.
Q When did you come back from the Choctaw Nation the second time?
A Come back - I forgot.
Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first came here.
Q And then come back here? A Yes sir.
Q Did you marry down there? A Yes sir.
Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
Q What was his name? A Albert Thompson.
Q Albert Thompson was a Choctaw then? A Yes sir.
Q Have you ever applied to be enrolled by the Choctaws? A No sir.
Q Have you got any children by Thompson? A Yes sir.
Q They are grown, are they? A Yes sir.
Q Where was Thomas Ross born? A Over here on Panther Creek.
Q Where was Gertie Tinnon born? A On Panther Creek.
Q Both in the Cherokee Nation? A Yes sir.
Q Your sister Dicey is dead? A Dead sir.
Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
Q Did she go out with you to the Choctaw Nation? A Yes sir.
Q Did she come back with you? A Yes sir.
Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
Q Did she come back to the Cherokee Nation with you? A Yes sir.
Q And she lived in the Choctaw Nation then until she died?
A Yes sir.
Q Have you got any proof, any witnesses? A Yes sir.
Q Who are they? A Charles Thompson and Jim Abercrombie.

The last enumerated roll and the last census roll of the Freedmen of the Choctaw Nation contained certain names of the applicant and her deceased daughter are not found thereon.

The terms Dirion Hall appeared and the roll of the applicant is found on page 1[illegible], No. 2[illegible], Dawes County, Cherokee Nation.

Q Did you ever belong to Charles and Jim? A Yes sir, the last witness.

The Dawes citizen roll examined and no mention herein. Tinnon is found on page 1[illegible], No. 2[illegible] in Cherokee County.

Q What is the name of the child, you have claiming you want to enroll? A Gertie Tinnon.
Q How old is Gertie Tinnon? A About 1[illegible] years old.
The examination being concluded, witness and her

name is found on page 171, No. 4413, in Cooweescoowee District.

Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Yann.

Q Want he enroll him? A No sir, he didn't been here to enroll him.

The Nerma Clifton roll examined and the name of the applicant's son is found on page 171, No. 4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Ross.

L. H. Bell: You say Lunnie lives in Sequoyah? A Yes sir, where Johnson Yann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him - we don't want two put on? (No answer).

Q Where was this child born at? A Born right over on Panther Creek they war all born over there.

Q How long has his mother been dead? A I reckon she has been dead about five years if I aint mistaken.

Q Is she on the roll of 1896? A No sir.

Q Are you on the roll of 1896? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace Payment.

Q You married in the Choctaw Nation after you went back in 1886?

A Yes sir.

Q How long did you stay here after you came here in '86? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Choctaw Nation when you came back?

A I came to Webbers Falls and when I last returned I came to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q When you came to Gibson, did you stop there any length of time? A When I came, I came to Webbers Falls; I came from Webbers Falls to Gibson, and then I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Was John Ed. Ross first? A Mrs Parnes.

Q Did she die? A I don't know.

Q Was a Mrs Chu? A I don't know; Parks was here and Thompson.

Q Were Parks were married then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Smith's place and from there to Charles Ross' place.

Q How stayed at Henry Smith's and Charles Ross' place? A Two years.

Q Did the Commissioners live? A Yes sir.

Q Did Mrs Ross live there? A Yes sir.

Q You came directly to Webbers Falls in Choctaw Nation and on to Tahlequah? A Yes sir, and I first came to Webbers Falls in the United States and then on and on to Henry Smith's place from Webbers Falls to Tahlequah? A I came to Webbers Falls and stayed one year at Webbers Falls.

Q Webbers Falls, stayed 1 year, came to Gibson and stayed 1 year and then came to Tahlequah and from Tahlequah to Webbers Falls? A I came to Webbers Falls and from Webbers Falls to Gibson and then back to Tahlequah.

the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A I came to Gibson and from Gibson to Tahlequah.

Q You come through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Have's place one year?

A Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q How old are you? A Seventy years old.

Q What is your postoffice? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, Katie Blackwell? A Yes sir.

Q How long have you known her? A I have been knowing her ever since the war commenced.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She belonged to James Sanders.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.

Q Where did she go to? A To the Choctaw Nation.

Q Do you know when she came back to the Cherokee Nation? A She come back, the first I saw of her along in '66.

Q You saw her in '66? A Yes sir.

Q Where? A I saw her at Gibson the first time.

Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.

Q After that? A Yes sir.

Q Where did you see her after that? A I never seen her no more after that. I never seen her anywhere until she come back again.

Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.

Q How long, five or six years? A Yes sir, as much as five or six years.

Q Have you seen her occasionally since that time? A Yes sir.

Q She has lived in the Cherokee Nation since that time? A Yes sir.

Q Do you know her children? A I know them when I see them. I just can't name them all.

Q Do you know Martin Johnson? A I know him, yes, sir, when I see him.

Q Do you know the boy, Memphis? A Yes, sir.

Q Is he living? A Yes, sir, he was living with her when I first made him.

Q You don't know whether he is alive to-day or not? A No sir. I don't.

[illegible] Q Well, that was in the year [illegible], did you see this applicant?

A It was along in the spring when I took her.

Q What is along in April or May? A Somewhere along there; I couldn't tell what the month, because the grass had larded when [illegible].

Q What were you doing in Gibson then? A I was riding around.

Q Just riding around? A Riding around, sir.

[illegible] Q Well, of course, you brought you back to this very place?

A [illegible] he got my brother.

Q Moved in your cabin? A Yes sir.

Q Where did you start from when you started back to Tahlequah this?

A I started from here.

Q Where did you start from? A From the Choctaw Nation.

Q The Choctaw Nation is a good big place? A Yes sir.

Q Did Henry Have live in that place? A Yes sir.

Q Then he moved here? A Yes sir.

Q. What time of the year did you start from there in 1889?
A. Why it was along in the spring.
Q. The green was up, was it? A. Yes sir.
Q. How did you come? A. Come by water.
Q. About how long was you on the road? A. Well, I don't know, sir, how long we were on the road.
Q. A month, I guess it was one hundred miles or two? A. I guess it was, I don't know how far it is from here to the Choctaw Nation.
Q. I mean from Thompson's Bluff down to Webbers Falls? A. I don't know how far.
Q. Were you as much as three weeks on the way? A. Yes, and maybe four.
Q. How long did you stop at Webbers Falls? A. We didn't stop very long at Webbers Falls.
Q. A week or two? A. About one week or two.
Q. And then you came to Gibson? A. Yes sir, came right on through.
Commissioner of Applicant: Your first husband's name was Thompson?
A. Yes sir.
Q. Your second husband was Hunt? A. Yes sir.
Q. Your third husband was Blackwell? A. Yes sir.
Q. What was your father's name? A. His name was, as good as I can recollect, his name was John Fox.
Q. Do you know what your mother's name was? A. Martha Downing.
Q. Who did you say you belonged to? A. Mary Sanders and Tom Sanders.
L. B. Bell: Are they both dead? A. My master is dead. I don't know whether Mary is dead or not.

JIM ALBERTY, being sworn and examined by Commissioner L. B. Needles, testified as follows:
Q. What is your name? A. Jim Alberty.
Q. How old are you? A. 70 years old.
Q. What is your nationality? A. Choctaw.
Q. Are you a freedman? A. Yes sir.
Q. Your name is not on the roll of 1880, is it? A. No sir.
Q. Do you know the applicant here, Katie Goody or Katie Blackwell?
A. Katie Goody, yes sir.
Q. Was she a slave before the war? A. Yes sir.
Q. Who did she belong to? A. To the Sanders.
Q. Do you know whether she was taken out of the Choctaw Nation or not during the war? A. Yes sir.
Q. Where to? A. She went South.
Q. Of the Choctaw Nation? A. Yes sir.
Q. Do you know when she returned? A. Yes sir.
Q. When? A. In '65.
Q. How do you know that? A. I was here at church in '65.
Q. Do you know how long she stayed in the Choctaw Nation at that time? A. No sir.
Q. You don't know whether she came back to the Choctaw Nation or not? A. No sir.
Q. But you say she in '65 in the Choctaw Nation? A. Yes sir.
Q. Did you know her then? A. Yes sir.
L. B. Bell: What time in the year of '65 did you see her? A. It was right in June, I don't know exactly what time.
Q. Did it happen in spring? A. I think it was summer. It was warm.
Q. Were you living then at Gibson? A. No sir, I never lived at Gibson. Never was living but three days of my life in my life.
Q. You just came down to be there that day? A. Yes sir, I went to go to church at Gibson.
Q. Did you see her there pretty frequently for the next two or three years? A. No sir.
Q. Did you see her regularly? A. No sir.
Q. You did see her at odd times? A. Yes sir.
Q. Where did Hunter live when she lived out? A. They lived close to Hunter at Kiel Creek. I reckon it is.
Q. Did you live in the house with them? A. No sir, I never lived in the house.
Q. Did you see her at Gibson? A. Yes sir, I have been

at the house? that is not right at their house, I met them at a church
Q Have someone in that neighborhood? A I wasn't acquainted there.
Q You seemed to be, you know this woman pretty well? A They were
raised with me. Sander's aint the first people that raised them.
Q They were raised in a place with you? A Not here, but older
people.
Q I am asking you what you know about her? A I told you what I
know about her.
Q You don't know where she did live, only that she lived in the
nation? A That is all, I never was at her house.
Q You never seen her until you met her in '26? A Yes sir, I saw
her before.
Q Where did you see her before? A On Peavine Creek near the
whitmire place.
Q That was a creek down in Sequoyah district, wasn't it?
A I don't know where it was.
Q What did you understand by Peavine? A That is what they called
it, the creek, Peavine.
Q Was you ever down on Peavine? A Yes sir.
Q When? A Before the war, I come from there.
Commissioner Needles: You say Sanders' lived in Flint District?
A I don't know exactly; it was down in that way.
Q You are not positive whether it was Flint District or not?
A No sir.

Commissioner or Applicant: You know that these three children,
Cartie Tinnon, Lunnie Tinnon, and Thomas Ross are alive now are they?
A Yes sir, I brought the little girl with me.
Q Where is your boy? A He is in jail.
Q Who is Lunnie living with? A He is living with Johnson Tinnon.

Nettie Blackwell applies for the enrollment of herself, her sister's children, Cartie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a niece of the Sanders family, Mary and Jon Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '26. Her name is not found upon the authenticated roll of 1896, nor the census roll of 1896. Her name is found upon the Kerns Clifton roll, and the name of the three children, Cartie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Kerns Clifton roll. She avers that she has been married three times. First, to Charley Blackwell, second, to [illegible] Tinnon, and thirdly, to Ben Brown. She is now married to [illegible] Blackwell. She is only identified [illegible] as being a member of the roll as indicated by the [illegible] of her not satisfactory proof of identity. [illegible]

the commission to the press [illegible] we copied the foregoing, and that the same is a true and correct copy from the original.

Pierce Lowe

sworn to and subscribed before me this 15th of August, 1902.

[illegible]

Commissioner.

COMMISSION TO THE WASHINGTON
DEPARTMENT OF TRANSPORTATION

Henry Chambers $

member of the Nvll as indicated [illegible] testimony; he says that he is a son of Katie [illegible] Chambers, and said Katie [illegible] has been [illegible] married to a [illegible] Freedman on doubtful [illegible], and the testimony taken in said case will be made a part of the testimony in the case now under consideration, and [illegible] right, and said Henry [illegible] he listed for enrollment as a Choctaw upon the ground he will be found a doubtful card; he will be duly notified of the action of the Commission at his post office address Ada, Ark. and Okla.

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K.D. [illegible], being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes taken.

Subscribed and sworn to before me this June 24, 1908.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 28, 1901.

In the matter of the application of Henry Chambers for the enrollment of himself as a Cherokee freedman, being sworn and examined by permission under rules, he testified as follows:

Q What is your name? A Henry Chambers.
Q How old are you? A I was born about 1857.
Q How old would that make you? About 44.
Q What is your post-office address? A Bartlesville.
Q What district do you live in? A Coweskoowee.
Q You apply to be enrolled as a Cherokee freedman? A Freedman.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A Well, so far.
Q Is your name on the roll of 1880? No sir.
Q Is it on any of the rolls? A On the Vallace roll.
Q What is your father's name? A Chas. Chambers.
Q Is he living? A Yes sir.
Q Your mother's name? A Katie Coody, or McCandell.
Q You claim your citizenship through your father or mother, or both? A Both of them.
Q Has your father been enrolled? A Yes sir.
Q Are you married? A Yes sir.
Q You apply for anybody but yourself? A Just myself, my wife is already enrolled.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found.
1896 census roll of citizens of the Cherokee nation examined and applicant not found.
Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not found thereon.

Q Did you draw what is known as Strip money? A I drawed 160, but is all I ever drawed.

Vallace roll of citizens of the Cherokee nation examined and applicant identified on page 175 as Henry Chambers, Sequoyah District.

Q Where were you born? A I don't know exactly where I was born.
Q Where have you lived all of your life? A Near here, as far back as I can recollect, in the Cherokee nation.

CATHY MARCHER, being sworn by Henry Chambers, testified:

BY CHAMBERS (WITNESS) TO MARCHER:
Q What is your name? A Katie McCandell.
Q How old are you? A I don't know, I am [illegible]
Q Are you the mother of Henry Chambers?
A Yes sir.
Q Was he born in the Cherokee nation?
A Yes sir, [illegible]
Q How old do you think he was when he came to live in the Cherokee nation? A I don't know, I was [illegible] when I came to live in the Cherokee nation.
Q Where was he born? A [illegible]

Witness, being examined, on oath and cross-examined,

BY MARCHER:
Q Where did you live when you were first married? A [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
[illegible] here in Indian.

Henry Chambers 2

Q How long did you live there? A I lived there about two or three years I guess.
Q Where did you go then? A Moved up to Bear Bell Creek, what's called Lightning Creek.
Q How long did you live there? A I have been living there ever since I was my year grown.
Q Where did you marry? A Got here at Bartlesville.
Q When? A About 10 years ago.
Q Where have you lived since you were married? A I have been living here on Overcup bottom on Verdigris, and lived out here where I am livingnow, near Bartlesville.

KATIE REEK BLACKWELL, recalled, and further examined:

BY MR. PASTIN:
Q Were you and Charley Chambers ever married? A No sir, we weren't married, sir; we was none ofus married time of the war.
Q You were living with Charley Chambers at the time this child was born? A No sir, he had done quit me.
Q How long before this child was born before he quit you? A It was not so very long before the child was born when Charley quit me.
Q He had another wife at that time didn't he? A Not as I known of.
Q What time of the year was this your good young man the applicant born? A Well mister, I don't know what time, I don't know what time it were, because I can't keep no dates northings of the kind; I am uneducated and I don't know.
Q Near what town in the Cherokee Nation did you live? A I wasn't livingin no town.
Q On whose place was you living? A I was living on a man's they called Captain Jackson's.
Q What town was the nearest to that, what was the town you traded at? A There was no town, as I can tell you, and I am telling you the truth, there was no town where we were.
Q Have any ways near you? A No sir; not as I knows of, Mister Pastin.
Q Well don't get excited? A I am not excited.
Q I want you to tell me the facts? A Well I am telling you the facts.
Q Were you living on a stream? A The place we were living on a stream. I guess we undliving on a stream we were about five miles this side of Red River, but to tell you about a town, there was no town near us as I know anything about, any town.
Q How old was this boy than you moved from down there? A Just a small boy.
Q Well about how old? A I can't say exactly how old this child was.
Q Well, were he from one year old? A He was some three or four years old I guess.
Q He was born after the war? A Yes, he was born along up in the war, he did belong to the company.
Q The applicant in the Henry Chambers case said, in view of the fact, this is my child.
Q Looking at the applicant and at the right.
A Looking at the right? A Yes sir.
Q Do you think he looks like your child?
A Yes sir, I think he looks like my child.

Henry Chambers, being duly sworn, testified for the applicant:
Q Mr. Chambers, you are the husband of Katie Reek Blackwell, are you? A Yes sir.
Q Did you live with her during the year 1864? A Yes sir.
Q Did you live with her during the year 1865? A Yes sir.
Q Do you know Katie Reek Blackwell? A Yes sir.
Q Do you know the applicant in this case, Henry Chambers? A Yes sir.
Q Do you know whether or not you are the father of the applicant? A I don't know whether I am or not.
Q Did you live with Katie Reek Blackwell during the year 1864 and 1865? A Yes sir.
Q Do you know whether or not the applicant is your child? A I don't know whether he is or not.

Henry Shanks 2

number of the roll as indicated in the testimony, he avers that he is a son of Katie Cooper, nee Katie Blackbill, and said Katie Blackbill has been listed for enrollment as a Choctaw Freedman on doubtful card 187, and the testimony taken in said case will be made a part of the testimony in the case now under consideration, and copy thereof will be filed herewith; and said Henry Shanks therein will be listed for enrollment as a Choctaw Freedman on a doubtful card; he will be duly notified of the action of the commission at his post-office address when arrived at.

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M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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ACTING COMMISSIONER

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File with Cherokee Freedmen, D-767, Henry Chambers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 21, 1901.

In the matter of the application of Katie Blackwell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
J. W. Hastings, of counsel for Cherokee Nation.

FANNY BEAN, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Bean.

Q What is your age? A About 50, somewhere along about 50.

Q Where were you born? A Born in Missouri, I reckon, I come from Missouri, I don't know exactly where I was born.

Q Where did you go during the war? A Went to Texas.

Q Were you in Texas at the close of the war? A Yes, sir.

Q Where were you for the first two or three years after the war?

A I was there on the frontier and around about in Texas and there.

Q Well, about how long after the war was it before you left Texas?

A Well I reckon it was somewhere along four or five years, about five years I reckon, somewhere along there; I never kept no count of the time. I just suppose about that time.

Q What is your best judgment? A Yes, sir, might have been longer.

Q Where did you go to when you first left the State of Texas? A When I first left there I went to the Cherokee Nation and then I went to the Chickasaw Nation.

Q Do you know Katie Blackwell, or Katie Cooey? A Well, I don't know them by that name.

Q Well, did you know Katie Thompson? A Yes, sir, I know Katie Thompson.

Q Did she have a sister? A Yes, sir.

Q What was her sister's name? A She had one named Dicey.

Q Did you know Katie's mother? A Yes, sir.

Q What was her name? A Her name was Martha.

Q Did Martha have any other children besides Katie and Dicey?

A Yes, sir.

Q What was their names? A Ben had by the name of Charley Blackburn.

Q You testified in his case the other day? A Yes, sir: and had a suit by the name of Jackson.

Q Well, was Ben married when you first knew him? A Yes, sir.

Q What was his wife's name? A Richard Blackburn.

Q What was Ahnee's husband? A Ben, sir. Cherokee Freedman.

Q Did you ever know of her having anything else for her husband other than that? A No, sir, I don't know it.

Q Did you ever know of her going by the name of Ahnee Ward? A Yes, sir, I have heard that name, I don't know what it was married to before. I don't know who her husband was. I have also heard her husband's name was Ward but I forget the husband's name.

Q You say Ben married Ahnee, or was she married at all when you knew her first? A Yes, sir, she was married.

Q Did her husband's name? A Harris (?).

Q Did you know any children that she had by Harris? A Yes, sir. I remember one of the children. I don't know how many of them there were. I don't know how many children there were. I don't know how many children there were.

know her or not, I have forgot.

Q Now when did you know Katie and Dicey and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle. It was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, how long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead, I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Katie Thompson and Dicey Sorrell and Temple Thomas and Wan Hailstock, and Mary Ann, that was her youngest child.

Q Was Temple married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Temple come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Now all these people you have mentioned you brought up, did you?

A I brought up Dicey and Temple in the wagon.

Q Well, those others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well now I can't tell you.

Q I mean up in this country, I can't mean below? A Well we came through Fort Gibson.

Q How long did you stop here? A I didn't stop here but a few minutes, just stopped there an hour and drove the crowd.

Q Did they say anything about having been here before? A No, sir, never said anything to me about it.

Q Came as nearly about you? A No, sir.

Q You went on to Tahlequah? A Yes, sir, I went on out to Mr. Bennett and here and left the crowd finally, at the on the road while passed by Mr. Bennett.

Q Was Katie married when you first knew her? A Yes, sir.

Q Was Dicey? A Yes, sir.

Q Were they married there when they came? A Well, sir I don't know that, they came out staying home, they came to the house with the old lady, the old lady lived shortly after that.

Q What did they depend for a living down there? A Well, farming, they I imagine, raised and sold some to the Indians I think.

Q What was Thompson, Katie's husband doing? A Well, he was just working around for people, and doing a little farming.

Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Temple married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Blagburne I think married down there.

Q Do you remember how many children Katie had when she came up with you? A Let's see, I will have to count them up a fiddle and see if I knew, there was Jest and Henry and a girl they called, her nick name was Dude, I forget what her right name was, but they called her Dude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether Dicey had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I wont be certain about it.

Q Well did Temple Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.

Q Do you remember their names? A The boy, Bill was his name.

Q Did you mention one of them by the name of Nancy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Railstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forget that children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way: when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time then additizme was put up at the seminary.

Q How far did these people live apart in the Choctaw Nation?

A The families?

Q Yes? A Well they lived, Temple lived about between half a mile and three quarters from their mother.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Goss down there? A Yes, sir.

Q Was he there when you first went over? A I don't know sir whether he was or not.

Q What other people lived around in that neighborhood, any Chickasaw or Choctaw, people living there? A Yes, sir, Lish Stringfield [illegible] Lish Stringfield, I don't know his name, and he had a [illegible] of the old old lady Howell. I don't know her name, and she had a [illegible] of John Howell, and that one had a old man a doctor, they all called him Doctor Howell, I don't know what [illegible] called him Doctor Howell, I don't know what [illegible] Howell, and they was about the largest crowd. The nearest the Chickasaw, and they was about [illegible] Holmes Colley and several others there [illegible] Kid [illegible] where you I don't remember the name. [illegible] lived right where you I don't remember the name. I know well acquainted with his son Bill I have forgot him.

Q Was you well [illegible] did you say you have those people there before you moved out with them? A About five years.

Q How old are you? A About 60 I guess.

Q Are you a Chickasaw citizen of the Chickasaw Nation? A No, sir.

Q Are you a Choctaw citizen of the Choctaw Nation? A No, sir.

Q You claim to be? A No, sir.

Q [illegible] since you have been [illegible]?

A [illegible]

on the —

Q How long [illegible] you have been here? A I haven't been here for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Tell how you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been? A I can't tell you, without I sit down and do take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q That year did you go to Texas 1?? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 35 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q That year did you go into the Cherokee Nation from Texas?

A I don't know, sir.

Q Can't you give an idea? A No, sir, I don't.

Q Now is it then that you remember the year you came to this country and can't remember anything else do any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what age I was, and figured it up from that time.

Q Now look here, you can't know anything about the payment in 1870, you don't remember that any payment took place in '70 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '71? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1870 here? A Well they paid ten dollars here.

Q How do you know it was '70? A It was the spring after I came here in the fall.

Q Well that year did you come there? A Well we came here in '70.

Q Why? A [illegible] the spring the payment.

Q Well [illegible] A [illegible]

Q How do you know? A [illegible] I came here.

Q How do you know that that money was paid out in '70? [illegible] this question, you answer it [illegible] A [illegible] I am here when it was paid out.

Q This you [illegible] A [illegible] sir, I will tell you as near as I can [illegible] [illegible] I [illegible] [illegible]

Q [illegible] A [illegible] I can't now [illegible] figure it out for me. [illegible] A [illegible] people [illegible] [illegible] Texas [illegible] [illegible]

Q [illegible] the people [illegible] [illegible] date? A Yes, sir. [illegible]

Q Well, do you know [illegible] A [illegible]

it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir. The mother of Henry and Jessie and those other children.

Q Who then was she the mother of? A [illegible] I believe that is all.

Q Now give the names of Katie's children, all you know? A Well, Jessie and Henry and Dade and Sam, Dade was a middle-aged I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women named [illegible] Blackwell and Ann Williams? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know them.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years? A I have seen her, I haven't seen her whole family, her children more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jessie? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Baker? A Not as I know of.

Q You say that Katie Blackwell had a brother by the name of Riley? A Yes, sir.

Q What other name did she have besides Riley? A Bloody Scrillin.

Q Did they ever call her Bloody Kinnard? A I don't know, she might have got that Kinnard name after she came here.

Q I ask you if she was ever called Bloody Kinnard? A I don't know.

Q You never heard of her being called Bloody Kinnard? A They might have, they might have been her name.

Q Did you ever hear of her being called Bloody Kinnard? A Yes, sir.

Q What do you mean by that saying that yes, didn't you say just a[illegible] that she might have been called that, that she might have [illegible] name and by the name of Kinnard? A Not, yes I said that.

Q And you know you don't know why she was called Bloody Kinnard? A Now I don't.

Q Was she called Bloody Kinnard? A [illegible] called Bloody Kinnard, Bloody [illegible] was just [illegible] and they thought was it.

Q Why do you tell me, the court was you called Bloody Kinnard? A I didn't have her by that name at all [illegible]

Q You don't know why, you don't [illegible] A I have heard [illegible]

Q Who told you? A [illegible]

Q Bloody Kinnard? A Yes, sir.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful Cases; D-327, Katie Blackwell; D-333, Lucinda Blackwell; D-334, Ann Williams; D-343, Vinita Martin; D-438, Mattie Madden, D-628, Mattie McNair; D-754, Jesse Roach; D-756,D Daniel Thompson; D-757, Henry Chambers.

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HENRY BEAN, recalled by attorney for applicants, testified further as follows:

Mr. Mellette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter or a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.

Q What were you doing up on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek; Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, uncle Sam Chambers, somewhere along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times. I said about ten years ago, I was guessing at the time, it might have been a little shorter time or might have been longer.

Q Did Hayden live there at that time? A Yes, sir, he lived out there.

Q What kind of a celebration was that? A The 4th of August.

Q What it on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I don't know just how far it was, I don't know whether he had a store there at that time.

Q Did he or did he not have a store there? A I don't know, Sir, I can't tell you.

Q Did he live there? A He lived there.

Q How far was that from his house? A I don't know sir, I don't know where his house is. I was never at his house.

Q Did you see his house? A I never saw his house.

Q Where did you stay when you went up there? A I stayed at Lonny Glover and at Adam Wright's.

Q Where did Lonny Glover live? A Little there right there on Lightning Creek, not far from the celebration ground.

Q Was there any baptisms there where you had the celebration?

A Yes, it was there just in the open woods.

Q In school house? A The school house was a little place from there. I guess that people on it.

Q In church house? A Called church or school house, or something of that kind, I don't far from there, I don't pay any attention to such things as that.

Q That the only time you were up there? A No, sir, I had been up there [illegible]

ing over there.

Q How long did you see this woman at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

FRANK PACK, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 49.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Ratie Thompson and Lucy Worcester? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bean did, I never that all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '76 my mother died and we moved off and rented the place to some of them, they moved over on the place across the river and made a crop there one year.

Q How far is that from Tahlequah? A Just to about six miles east.

Mr. Mellette: Did you say you first saw this man Henry Bean in '74?

Q Out of '75, along in there somewhere.

Q Did you say you remember it was that year? A Because my mother died in '76 and I had seen him a while before she died. I got acquainted with them.

Q How long before your mother died? A [illegible] was long.

Q Did you know [illegible] A [illegible]

Q Was [illegible] that you [illegible] A [illegible] country? A [illegible] I told you my mother died along about '76, and I [illegible] A Little before she died.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q And you can remember it the 3rd or 4th? A Yes, sir.

Q When was your recollection first brought to bear upon the question as to when Henry Beam came into your country? A It always has been that way.

Q Do you know John Beam? A Yes, sir.

Q When did you first see him? A I can't tell exactly, he was quite small when I first saw him.

Q Where did you first see him? A At Tahlequah.

Q When? A Along, I can't say exactly, he was a small boy.

Q Give us an idea when you first saw him? A Well I can't really say, it was very after I seen Henry, I knew that, and John was quite a boy.

Q Now Jack, Henry Beam came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.

Q Are you employed by the Cherokee Nation now? A Yes, sir.

Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.

Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.

Q You are kept here as a witness are you, too? A Not particular I don't guess.

Q Then what do you do for the Cherokee Nation? A Anything they want me to do: clean up the room, bring water, go and get the mail, anything they ask me I go and do it.

Q And you are willing to swear positively that Henry Beam came about Tahlequah in '72 or '73? A Yes, sir.

Q You know that you saw him when he first came? A Yes, sir, I am positive, I know what I am talking about.

L. D. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Bell.

Q How old are you? A 62.

Q What is your postoffice? A Vinita.

Q Mr. Bell, what was the date, if you know, of your first payment, that was made some eight or ten or twelve years after the war? A Well it was what we call the broad money, the first payment we had, was in '72; some of them quite in the top of Kansas, and the per dollar was.

When S. Jones, being duly sworn, was put on the witness stand to the Commission on the Five Civilized Tribes and properly received the preparation and testimony in the cause, and the testimony in a true and faithful transcript of the stenographic notes taken.

[illegible]

[illegible]

J. R. [illegible]

Henry Thornburg, C. N. D. 827.

File with

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 4th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Katie Blackwell et al, C. N. D. #827.

Appearances:
J. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicant.

PATSY JOHNSON being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation:

By Hastings:
Q What is your name? A Patsy Johnson.
Q How old are you Mrs. Johnson? A About 52.
Q Where were you born? A On Caney at Nick Sanders.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q How long has it been your post office? A It has been ever since the war
Q Were you the property of Nick Sanders before the war? A Yes sir.
Q Where were you living at the close of the war? A Gibson, Fort Gibson.
Q What was your maiden name? A Patsy Sanders.
Q When were you first married? A I dont remember the year.
Q About how long after the war -- your first husband was named Dennis
Wasn't he? A No sir, Joe Brown.
Q When were you married to Dennis? A Must have been in '68.
Q In the spring or fall? A Fall.
Q What was Dennis doing at that time? A He was a soldier.
Q In the regular army? A Yes sir.
Q Where were you married to him? A Fort Gibson.
Q Well did you continue to live there that year? A Yes sir a part of
that year.
Q Where did you go from there? A Fort Arbuckle.
Q Where is that? A Chickasaw Nation.
Q Did you know a colored woman who goes now by the name of Katie Blackwell, and who about that time was known as Katie Thompson? A Yes sir.
Q Where did you first know her? A Fort Arbuckle. in the Chickasaw Nation
Q When did you first meet her? A In the last part of '68 I think it was.
Q What was Katie's husband's name? A Albert Thompson.
Q Did she have a mother living? A Yes sir, Martha.
Q What was her husband's name? A Sid Thompson.
Q Did Katie have any sisters? A Two sir.
Q Who were of them? A Nancy married at Tahlequah, Sue Hailstone and
Nancy Thompson.
Q Did you see them all there at that time? A Yes sir.
Q Do you know Charles Blackwell? A I used to see him, not well acquainted
with him.
Q Did she first married to Charles? A Yes sir.
Q Where was the ceremony? A Fort Gibson in the same company my husband
was in.
Q Where were they married? A In that company some place.
Q How long did you remain at Fort? A Six months I think.
Q Then what did you do? A Came back to Gibson.
Q Did you live with Charles before while they were out there? A Yes sir.
Q Did they live together after the war? A
Yes sir.

Q Did you ever [illegible] Yes sir, they came and here
[illegible] A It was here [illegible] to Fort Gibson.
Q Did he [illegible] A Yes sir they [illegible]
Q [illegible] A I think that they [illegible]

Q Who told you that? A Dicey.
Q Well, that did she tell you? A That her mother and the rest of them had gone on to Tahlequah--she stopped with me.
Q You didn't see the rest of the family at that time then? A No sir.
Q Where were you living then when she stopped with you? A 7 miles from Fort Gibson.
Q How far from Four Mile Branch? A 2 or 3 Miles.
Q Do you know if Dicey Sorrel had any children at that time? A Yes sir
Q What ones? A Two little boys and one girl.
Q What were their names? A Hattie was the girl, she was the oldest one, one boy named Morris and one Richard.
Q How long did they stay at your house that time? A 5 or 6 months.
Q Did they tell you than where they were from? A No sir.
Q Didn't say where they come from? A No sir.
Q Did they at that time say anything about having been here before, since the war? A No sir didn't say.
Q Was Dicey Sorrel acquainted with where people lived in the country at that time? A I think not.
Q Was you acquainted with her before the war? A No sir.
Q What made her come to your house in '74? A I met her in Fort Arbuckle, our husbands were soldiers together.
Q Had your husband been a soldier with her husband before Sorrel married Dicey? A Yes sir.
Q They stayed at your house 4 or 5 months? A Yes sir, something like that
Q Do you know Henry Bean who lived at Tahlequah? A Yes sir.
Q Did you see him at that time? A Yes sir he brought Sorrel's family to my house.
Q Who did you say Tempy married? A Man named Thomas.
Q And Man married Hailstorm? A Hailstock.
Q Did you see Man and Tempy at Fort Arbuckle in the Chickasaw Nation? A Yes sir.
Q From the time you left there way in '69 you never saw them until they came to your house in '73 or '4? A No sir.
Q After they came there did they talk to you about Fort Arbuckle? A Not much.
Q Do you know what Dicey's name is now? A I think she married a man named Tanner or Tinner, I was not quainted with him.
Q Where did they go from your place? A Went to Tahlequah.
Q Did you ever afterwards see Kate and the rest of the family at Tahlequah? A Yes sir.
Q Do they live there now? A No sir they moved up this way some where I don't know where.
Q Have you seen her since? A No sir.
Q Do Smith /
Were you a slave before the war? A Yes sir.
Who did you belong to? A Nick Sanders.
Do you know was this woman Kate belonged to? A No sir.
Where was you during the war? A Down Illinois.
Did you go out at all? A Yes sir.
Where to? A Fort Gibson.
When did you get back? A I don't remember what time.
In '65 or '66? A No sir I never was away at that time.
You didn't go away until after the war close? A No sir.
Where was you when the war closed? A Fort Gibson.
Where were you the last year? A At Lewis Sanders's place on the Neosho.
What year was that? A Year of the surrender.
'65? A No sir, '66.
What year did the war close? A '65 I think.
You said that the year after the war closed you went? A No sir, I said that there came '66.
What year did you come to the place you came off? A '66.
What did the year after the war closed you do? A No sir. I did the year after the war closed you came? A No sir.

Then it must have been four or five years after the war that you made a crop on that place? A Yes sir, we made one crop close to Gibson, across the river from Frank Smith's place.
Q What year was that? A I dont know what year.
Q You say you know this woman in '69 in the Chickasaw Nation, now you don't know anything about '69 do you? A Yes sir.
Q You s the war closed in '65? A Yes sir.
Q And you say you made a crop the year after the war closed and that it was in '67? A We made a crop in '67 on the Lost Russion place and one the year before on the Frank Smith place.
Q Was it the year after the war closed? A (No response).
Q You say it was in '69 that you saw this woman in the Chickasaw Nation? A Yes sir.
Q How long had you been married when you went to the Chickasaw Nation? A I married here that year.
Q What month? A In the fall.
Q How long had you been married when you went to the Chickasaw Nation? A I dont know, I think——I married before I married Dennis—I wasn't married to Dennis when we made these crops—I married him as a soldier and went off with him.
Q You married him in '69? A Yes sir.
Q How long did you stay with him in Fort Gibson before you went to the Chickasaw Nation? A Not long.
Q How long, three month? A No sir, I dont know how long.
Q Was it a year? A No sir.
Q Was it six months? A No sir.
Q Three months? A No sir, it wasn't a month I dont think.
Q How long had you been in the Chickasaw Nation before you saw this woman Katie Blackwell? A Not long, they worked in the garrison there.
Q Was your husband still a soldier then? A Yes sir.
Q How did you go to Fort Arbuckle? A In a wagon.
Q Who went with you? A The man that was driving the wagon.
Q Was you and he along in that wagon? A Yes sir.
Q Was that all that went? A No sir the company of soldiers, the 10th Cavalry.
Q In '69? A Yes sir.
Q And your husband was a soldier then? A Yes sir.
Q How long was he a soldier thehere? A He was a soldier five years was he born.
Q How long had you been in Fort Arbuckle before he quit? A I dont know
Q Did you come back that same year or was it longer? A I dont know how long it was, soldiers moved about in such a shape that I dont know.
Q Tell me how you fix the date of '69—what makes you think it was '69? A Because we was——I had one child before I married Dennis, it was born in '68 and in '69, the last part, I went away with the soldiers.
Q How old was that child when you went away? A 6 or 9 mos'ns.
Q How do you remember the child was born in '68? A I remember it very well.
Q Do you know the difference between '67, '68 and '69? A Yes sir.
Q How many children have you had? A [illegible]
Q When your son was [illegible] in '68. [illegible]
Q Was the boy the oldest? A Yes.
Q Was the boy the oldest child? A [illegible] I don't know, it be [illegible] old son.
Q You don't know how old? A If I guessed to guess it be [illegible].
Q Do you know the year the [illegible] was born? A No [illegible]
Q [illegible] A [illegible] Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

She was married.
Q Was she an old woman or a middle aged woman then? A I would call her a middle aged woman then.
Q Was she as much as 40 when you knew her? A I don't know.
Q What would you call a middle aged woman? A 40, or 50 I guess.
Q You think she was about that old then——did she have any children? A I think so, but I wasn't acquainted with the children.
Q Didn't she come to your house and stay? A No sir, Dicey did.
Q Who was Dicey? A Kate's Mother.
Q Was it Dicey or Kate that got now in the Chickasaw Nation? A I saw them all there, I was acquainted with four sisters and none of the family I wasn't acquainted with.
Q How many crops had you made before you went to the Chickasaw Nation? A We made two.
Q Where did you make the crop the first year after the war? A On Frank Smith's place.
Q Where the next year? A None.
Q Where the third year after the war? A The next crop we made we made on the Bayou.
Q When was that? A The year of the shooting, I knew all my people died and I think it was in '67.
Q You know it was after the war that you made a crop on the Frank Smith place? A Yes sir My step father made a crop there; I dont think the war was quite closed then.
Q How many years was it when you made the crop on the Bayou? A I think he had tended another crop up on Fourteen Mile Creek I was not there though.
Q You never were at Webbers Falls during '66? A No sir never was there.
Q When did your husband quit the army, if you did tell me? A He quit the army in '72 I think it was that his time was out.
Q At what place did he quit? A I dont know where He was discharged, when he came home I was at home.
Q There? A Where I am living now?
Q Fort Gibson? A No sir seven miles the other side.
(By Hastings)
Q What is your best judgment as to how long you lived at Fort Arbuckle? A 5 or 6 months.
Q What year came before 'CCV? A '66.
Q What year do you think the war closed? A '66, I know.
Q Were you in '66? A Fort Gibson.
Q Was the war going on then? A No sir, the war didn't go going on there, right there, they was fighting off from there 5 miles; I was in the edge of Fort Gibson then.
Q You were married to Pamela in '66? A Yes sir.
Q You think you had been married 2 months then was made off with him? Yes.

This will be filed and made a part of the record in the following Cherokee Freedmen contested cases: [illegible]

[illegible]

[illegible]

FD 757

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A.D. 1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

Proof of Service made and original filed with the DAWES COMMISSION.
SEP 27 1901

NOTICE!

IN THE MATTER OF The application of Henry Chambers for enrollment as a Cherokee Freedman:

Case No. F. D. 757

To Henry Chambers Bartlesville I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 21st at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants ~~for enrollment as Cherokee Freedmen~~.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept. 1901.

P. B. Bell

W. W. Hastings

S. D. Davenport

Attorneys for the Cherokee Nation

Nowata, I.T.

Dec. 20th 1906.

Mr Sec. Hitchcock

Washington D.C.

How is it that the Dawes Commission will deside a gainst a negro. and afterwards put him on the Role. there is a negro by the name of Henry Chambers that is on the Role he was first rejected and afterwards put on the Role. His mother was rejected but I understand he was put on the role- be cause his Father was on the Role they dont Know that this Charles Chambers is his Father. For his mother never was married to him. She has several children and never was married to anyone of them. she did not even live with any of these men. that is supesed to be the Fathers of these Children. her Two last Husbands she was Lawfully Married to but never had any children from either of them the reason I know she lives near me and one of her husband did belong to my Father. I saw the Commission reject a Cherokee man when he tried to put his child on the Role by him not living with its mother. Commission saying he did not know who was the Father of the child as he had never was married to her and never lived with her as man and wife and it looks to me that this negro case is just the same kind of a case as the Cherokee mans case was. This Negro Henry Chambers Mother and all the rest of the family has rejected by the Dawes Commission and I cant see how Charles Chambers can give Henry Chambers any right in this country and if you will Investigate this case you will find it just as I Claim it is

Yours & C
(Signed) John H. Goody

RC No. 907-1907

REFER IN REPLY TO THE FOLLOWING:
Cherokee
Freedman
1426

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 11, 1907

Mr. W. W. Hastings,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith for your information and such investigation as you desire to make, copy of a letter from John H. Cady dated December 20, 1906, addressed to the Secretary of the Interior, in reference to the alleged fraudulent enrollment of Henry Chambers, a Cherokee Freedman.

The decision of the Commission to the Five Civilized Tribes granting the application of Henry Chambers for enrollment was affirmed by the Secretary of the Interior October 31, 1904.

Respectfully,

Commissioner.

J.O.H.-L.
Enc. 1-8.

Cher. Fr. D-758

Cher. Fr. D-758

Nelson Murrell - t[illegible] continued.

little further, I [illegible] exactly.
Q That was the [illegible] A Yes sir.
Q When did you f[illegible] after the [illegible]
what year really, but [illegible] it was about [illegible]
I judge after the [illegible] when I met her again.
Q Where did you see [illegible] again A On [illegible]
Q How far from here? A It is about [illegible]
Q [illegible] came there with [illegible]
Q [illegible] did he hear [illegible]
[illegible] examined by Chairman Hardwicke [illegible]
Q How old are you? A I am about 21, [illegible]
[illegible] don't know exactly my age.
Q You were about 17 years old [illegible]
A [illegible] big enough to ride around [illegible]
Q Who went up there to this [illegible]
Dash [illegible]
Q [illegible] was living at the time [illegible]
[illegible] witness [illegible]
Q He would know dates better than you could [illegible]
A I don't know what [illegible]
Q You didn't tell anybody about seeing [illegible] up there, did
[illegible]? A I was afraid to.
Q You didn't tell your own [illegible]
Q You didn't tell your people. A [illegible]
Q But you didn't tell anyone else [illegible]
A No sir.
Q You didn't testify five years ago, [illegible]
[illegible]? A No sir.
[illegible] Chairman Hardwicke:

OCT 18 1950
FILED
DEPARTMENT OF THE INTERIOR
DIVISION OF INVESTIGATIONS

File with George W. Lane, et al., C.F. D-755.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T.B.Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mellette, for applicants;
Mr.W.W.Hastings, Cherokee Representative;

Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Coweescoowe.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mt. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.
BY MR. SMITH:
Q What is your post office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave belonging of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know whether name was before she married Henry Nave? A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation? A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes,sir.
Q In what part of the nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war? A Yes,sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '66, February, '66.
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Coweescoowe.
Q Well near what place? A Near Creek Mission.
Q How far from that is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 20 or 30 miles; this is the first time I ever was at Chelsea.
Q Did you take your family with you to the Cherokee Nation? A Yes, sir.
Q Well after you came in 1866 when did you come out again after you went back? A Just long about a month after I came in '66.
Q Did you return to the Cherokee Nation at any time after that? A Yes, sir.
Q When? A Came back in July.
Q What year? A Same year.

Nelson Murrell, et al 2.

Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
Q When? A I located onthe east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When was it now you said you first came down here? A I come down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, awhile ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when youmade your first location? A My first location I made it in February, '65
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I wont be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the War.
Q Well, when did you see her next? A I saw her along about '73, 1873, I saw her.
Q Where was she living? A Well, sir, she came into the country there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
Q When did you marry? A I married about 26 years ago.
Q Have you and she been living together ever since? A Yes, sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1866 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.
BY MR. HASTINGS:
Q You came down in 1865? A Yes, sir.
Q Who came with you at that time? A Joseph Rose and Frank Ward.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewhere along about that.
Q Where did you go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I came back about the 15 June.
Q The following June? A Yes, sir.
Q What did you do when in June? A Got here.
Q You got up here then did you? A Yes, sir.
Q When you came back did you? A Yes, sir.
Q Well when did you come back here? A I came back in the fall.

Nelson Murrell et al 3

Q Same fall was it? A Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question, did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
Q The first time you ever come here that was in February?
A Yes sir.
Q According to your testimony you stayed here about a month?
A About a month.
Q You and Joe Ross and Frank Nave? A Yes sir.
Q Frank Nave is dead isn't he? A Yes sir.
Q Now, you stated you stated here about a month at that time?
A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now, you stated that you came back here the following June and put up hay, is that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first time you come here was in February, '65?
A Yes, sir.
Q Now who come with you when you come in June? A Joseph Ross, Rosy Gibson, Ben Pee and Caesar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people anybody when you first came?
A Yes sir.
Q Who? A Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did.
Q Did you see any colored people here the following June when you come? A Mr. Adair.
Q He was here in June was he? A I think he was, if I mistake not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip?
A No, sir, not on that trip.
Q Now about what time did you return to locate? A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month.
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A No sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir, I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John Hamilton's place one year.
Q What did you raise? A I raised a little corn.
Q That year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop on Hedge? A No sir.
Q Did you make one in 1867? A No, sir.
Q Did you make a crop up there in '68? A No, sir, I wasn't up there.
Q Did you lease a farm in the name of Bowlegs? A Yes, sir.
Q What county was he in? A Bourbon County. Uncle

Q Did you know Mrs. Brumby? A I got acquainted with her down here.
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You come, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.
Q You had built that house in there in February before? A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Wound City.
Q Murrell, do you belong to the Freedmen Protective Association?
A Yes, sir.

Objected to by Attorney for Applicant because it is incompetent, irrelevant and immaterial.
Objection overruled by the commission.

Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different associations every three miles? A Might have different places where they meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.

Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee? A I went down there with a man.
Q You are down here as a member of the Committee? A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the members of your association? A I know the members where I live; Sam Webber lives at Nowata.
Q Well see, does this Joe Ross belong to it? A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.
A The purpose of that association is Cherokee Freedmen Protective Association, Cherokee Freedmen.
Q What is the purpose of it? A It is to protect one another.
Q In helping one another through this court I suppose to be Cherokee Freedmen; as the outlaws go one belong to it but Cherokee Freedmen, or there not no right to be there; that is the order.
BY W. F. MCCUTCHEN: It is a secret order is it? A No, sir; no man cause to those belonging to the United States, he hasn right in the order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of these associations there are? A No, sir; I don't know exactly, there may be three or four, four or five, as far as I know.
Q You may count if you had secretized for a good many of the applic-

cants? A Yes, sir, I was asked that.
Q You stated that you had I believe? A I had for a good many.
Q Have you testified for any applicant except those that you know to have been here in 1856? A No, sir, I haven't; I deny the charge
Q You have been in attendance constantly upon this commission since it has been meeting at Chelsea? A No, sir.
Q Have you heard any Cherokee Indian Testify in favor of those applicants? A All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this front row right here (indicating)? A Oh I have observed several.
Q Do you know what they are doing? A I see some slipping in little slips here to Mr. Hastings and others say they are preparing them around there and slipping them here.
Q Do you know in what capacity they are retained here? A No, sir I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the attorney of a good many hasn't he?
A You know how many he is for.
Q He has the calling hasn't he? A Yes, sir.
Q He has not called any Cherokee citizens has he? A No, sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.
Q The Cherokee Nation made that roll? A Till you get there with them I don,t know.
Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves?
A Yes sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880?
A Yes, sir, I do.
Q Were you here when that census was taken? A Yes, sir.
Q Do you know how that census was taken? A Yes, sir.
Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Peter was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lived over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact?
Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don,t know what they done.

BY COM'R MERRIAM:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T.B.Keatley, testified as follows:

EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '62.
Q Have you got any freedmen sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she goes by her husband's name; and then she could tell.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.

Nelson Murrell et al A

Q How old do you saw you are? A About 58.
Q Wher e did you know Nelson first? A Knowed him at Park Hill.
Q Where was Park Hill? A Down in the Cherokee Nation.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Masey's name; he belonged to his Mistress, MandyMurrell; she is a Cherokee.
Q ~~Did he ever belong to anybody else except them?~~ A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war? A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Wher e did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Gooseneck Bend.
Q Where have you beenliving ever since that time? A I have been living right where I live now.
Q How far does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.
Q Some thing near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time? A ~~Since~~ Been living right where he is now.
Q Since when? A Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did yeuget acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, be it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.

BY W.W.HARTINGS:

Q What was his wife's name when you first knew her? A If I aint mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I aint mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family; there was a whole lot of them.
Q Where did she live before the war? A They did live there a while on Fort Gill.
Q Where did you live at? A I lived on Illinois River.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Sheik Palmer married before the war? A No, sir, I think not.
Q Don't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is what I was telling you I don't know how long after they was married.
Q When did you first see them, how long after? A So was up on Lees Creek.
Q Did he bring her back with him when you came with him? A I don't think he did.
Q When did he bring her? A I might not tell you that.
Q Didn't have another he brought her with him or not? A No, sir.
Q Who did he bring with him? A He brought a woman by the name of Melton.
Q Is she living? A No sir she is dead.

Q When did she die? A She has been dead a good while ago, I could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
Well I couldnot say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A No, sir, I could not tell that.
Q When is the first time you were ever down here after the war?
I come in the fall of '66.
Q That the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About whattime in the fall was it? A Kinda cold, late in the fall.
Q Pretty near Christ mas? A It might have been.
About how long wasit after the treaty, after you heard of it, until you come? A I told you once I didn't know about what they it might have been clome to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in june or July before?
No, sir.
Did he have any house built down there? A If he did I disremember.
Q You didn't see it? A No, sir.
Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Have any hay? A Well he might have had hay; I didn't stop around him verylong I moved right across the river.
How far did you locate from him? A It must be three miles or three miles and a half.
Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of.
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell at? A Fort Scott.
Q Did he live there in Fort Scott?A Not right in Fort Scott he didn.t.
Q On whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
I don.t know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I don't believe I do.
Q Do you know whether he had a crop down here that year that you moved down here in the winter? A I don.t know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to Uncle Nelson's Freedman Protective Association?
I to did you that.
Q You lived within three miles from him? A Yes sir, I could live in the house and them not belong to what he did.
Q He testified for you? A Yes, sir.
And you are testifying for him? A Yes, sir.
Q Not you dont belong to his Protective Association? A Dont.t know up there he had a citizens, nobody there, if there had been anybody there I probably would have had different people to be anybody there.

[illegible] being duly sworn by Commissioner T.B.Sweden, [illegible] testified as follows, to wit:
Q What your name? A Joe Bean.
Q How old are you? A I am about 40 years old.
Q Where do you live? A Up in Bogscoggerson.
Q What is your post-office? A Bolivar.

Nelson Murrell et al 8

Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you know Nelson Murrell? A Yes, sir.
Q Was he out during the war, or did you know about that yourself?
A Out during the war?
Q Yes, was he out during the war, or did you know A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him he and him come down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Cooweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you beenliving ever since that time?
A I have beenliving right here.
Q What do you mean by right here? A In Cooweescoowee until we came back.
Q How far do you live from where Nelse Murrell lives?
A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stayed on one side of Snoc Creek and I stayed on the east side.
Q How far do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell hasbeenliving since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.
BY MR. HARTINGS:
Q Do you know what Nationthis is, are you positive? A I know it is Cherokee Nation all right.
Q Do you know what district it is? A Yes sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know whatyear you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other time, anything but the one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You only heard of another year? A Yes sir.
Q What other year did you hear of? A '66.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other year? A No, sir.
Q [illegible] Where did you live from the war? A Lived with John Rogers.
Q Did you know Nelson's mother's sister? A Yes, sir.
Q Yes? A No, sir, she lived with my mother, I [illegible] Sister and Nelson Murrell.
Q Well his present wife, is that his present wife? A [illegible]
Q Well, I don't know that [illegible] the girls he is living with now?
A Yes, sir.
Q Do [illegible] you know her? A [illegible]
Q You went to Kansas did you? A Yes, sir.
Q About what time of the year did you come to Kansas?
A [illegible] '65 the first trip I made.

Nelson Murrell et al 9

Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.
Q About Christmas? A No, it was not Christmas.
Q Well, was it before Christmas or after Christmas? A No, it wasn't, it was sometime, it was coldweather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on thegrund before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Nave.
How long did you stay here? A About a week and some mine or ten days.
Q The snow caught youen the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved? A No, sir, I come two tripe, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Posy Bigson.
Q And who else? A Thatis all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you say? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks?A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you come that time? A In '66, we went up and moved our folks down to our houses.
Q You have lived up there on Snow Creek ever since? A Yes, sir.
Q Uncle Nelson test fied for you in your case? A Yes, sir.
Q And you are testifying for him in his?A Yes, sir.
Q Do you belong to Uncle Nelson's Freedmen Protective Association?
A I didn't know they had a Freedmen.
Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people
MR. SMITH: Mr. Court, I want to make a formal objection, because it is irrelevant, incompetent and immaterial.
Objection is overruled by the Commission.
Q I want to ask you if a great many don't belong to that association up there? A (No reply given.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q Is to a Secret Association don't it? A I guess it is.
Q Usually let certain persons in? A We let all come in we don't want to come in.
Q Did Uncle Jimmy belongs to it? A I don't know whether he is or not.
Q You don't know the members of it? A I know 'em, but they
Q You don't tell me of? A No, sir.
Q You are not allowed to tell them? A No, I don't.
Q You are not allowed to tell the purpose of it any you? A No, sir.
Q It is a secret Association then don't it? A I don't know.
Q Where did you live, first have Nelson Murrell's present wife, the girl he is living with, where did you first live with? A I begged her. Where she is now, in the Chickasaw Nation.
Q Where place did you first have to? A I have been living here all my life.
Q Who did she belong to before she married? She belonged to old man Nelson.

Q When did she and Melton marry? A I don't know, sir, when they married?
Q Before or after the war? A Well before the war; yes, before the war.
Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family? A No, sir, he didn't.
Q Well, who did he bring? A He brunged his wife with him that he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how long it was.
Q Did she come along with you people; A No sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she come? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your association agree to help each other get up your testimony? A We don't have any testimony yo get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean the Association down there they sent him down there?
A No, sir, they didn't.

BY Mr. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Murrell was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.
Q Now who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was he?
A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T.B.Needles, testified as follows; BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Coon Creek between Snow Creek and the Verdigris River.
Q In what nation? In the Cherokee Nation.
Q How long has you lived there, in the Cherokee Nation? A All my life.
Q Were you born a citizen? A Yes, sir.
Q To whom did you belonged at the time the war commenced? Lewis Nelson and Sarah Nelson.
Q Were they Indians? A Yes, sir.
Q Cherokee Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I went to Big Spring.
Q Where is Big Spring? A It is on the Arkansas River.
Q In what nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
A No, sir.
Q Where were he the year 1866, immediately after the war closed?
A I was at Big Spring, there was a lot of bad time.

Nelson Murrell et al 11

Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary Melton; and had a daughter named Susie, George and Cathering, and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced
A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They calledit a hundred miles.
Q You don'tknow how far it was? A No, sir.
Q Now, this place you are talking about living what tonw if any hasbeen built up near that place since? A I don't know sir as there is any, I aint been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have tou ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they calledhim in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don,t know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes, sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of those children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q What is the next child's name of the three living? A Lila Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for both but we just called her Lilah.
Q Is she married? A Yes, sir.
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don,t know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know, been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her fourteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Bird Creek.
Q In what nation? A Cherokee Nation.
Q Is Charley married? A Yes, sir.
Q What is his wife's name? A Her name is Elizabeth.
Q How many children have he got? A [illegible].
Q Where is [illegible]? A [illegible] Vann, [illegible] Vann and [illegible] Vann, and Lilah Vann and [illegible] Vann, [illegible] children? A Yes, sir.
Q [illegible] up to the time he married [illegible]

A Lived out here with me.
Q Where did Sonny live? A He lived out home with me, when he was not working out.
Q Where does Sonny live now? A I know not where.
BY COM'R WEEDLES:
Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there he didn't go up to my house, and mother went out and she come back and got me and when I got up there it was late in the evening and Rufus told me me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 census roll of Freedmen of the Cherokee Nation examined for applicants and named of applicants not found thereon.
The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 170, #4184, Nelson Murrell, Cooweescoowee District;
page 125, #3101, Flora Murrell, no district given.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page 127 #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128, #2680, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:
Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said, who he taken the census
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell?
A No, sir.
Q Do you remember how long after the war? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly, but I think he is along about 18 or 24, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COM'R WEEDLES: Cherokee Nation? A It was Cherokee Nation then.
U.S. ATTORNEY: It was then? A Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the older one of Charley? A Charley.
Q How much older is Charley? A No, I don't know just exactly between two or three years.
Q Where was Stanley Smith born? A He was born up on Hard Grass.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war came off? A I was living on the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Who did you belong to? A I belonged to Lewis Ballard.
Q Did Lewis Ballard own your line in the Big Bend and the Arkansas? A No, sir.
Q Well, who does you belong with out there? A I was living on

Nelson Murrell et al 18

Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time?
Yes, sir.
Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call the strip and one side of the Arkansas river thatis where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What ~~fin~~ friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A Thatis all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full Blood? A I guess he was, he talked Cherokee.
Q Didn't talk any English? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q ~~Is any of~~ Did you work for any people out there? A No, sir, you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you other that was out there.
Q What was his Mistress' name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Bend.
Q Did you have a house out there? A No sir.
Q Just lived out in the woods four years? A Yes sir, I lived in a rock cave.
Q On that side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louis Vann in Cherokee.
Q He was with you? A Yes, sir.
Q Well after the war closed did you come back? A I came right down the river.
Q In a skiff? A I came back in a wagon.
Q From what point? A From the Big Bend.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first came back I came down on Pryor Creek.
Q To that place here? A I don't know whether it is below here, I think it is but or here.
Q You know where Pryor Creek is, it runs your about 20 miles and I want to know what part of Pryor Creek? A I came long on Pryor Creek to me. I can't call his name just now.
Q Did you have Creek Freedmen? A I don't know sir, but for it was free Creeks.
Q That name was your husband's name? A When I came back?
Q Yes. A I don't but there at all when I came back.
Q Don't remember why you lived off in there? A I didn't live with anybody but my husband.
Q Living alone a lonesome down there? A No, sir, I just came down to my cabin.
Q Had your own cabin? A Built a little house.
Q Did you have any neighbors? A I never saw no or heard

Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly how long that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts
Q Where was Ben Grimmett living then? A He was living on Pryor Creek.
Q Was that in the spring or fall? A It wasin the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes sir.
Q Where did you get this wagon? A I don't know he went out and got it.
Q You hadn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmetts?
A Yes sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did youstay there a year? A I might stayed a little longer than a year.
Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmetts?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any colored people? A Yes sir.
Q Well who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Canby, along.
Q Canby that is up by Bird Creek? A Yes, sir.
Q How far along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen somechildren.
Q Well, now, where did you go to from your cave after your returned? Where? A The last time?
Q Yes. A I went down to Pryor Creek, mother had moved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks and years is years.
Q About how long after the war was that when you went down to live at your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgement? A To the best of my knowledge.
Q You stayed there then two or three years? A Yes, sir.
Q And then where did you go? A I went back to my home up on the Tahlequah.
Q Was your husband alive then? A Yes, sir.
Q He came up on the Tahlequah with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q About how long after you got the [illegible]
Q Did you after [illegible] Tahlequah? A Yes, sir.
Q Is any of that family, Whitson's family, alive that you remember to be from the war? A [illegible] I guess you had no young [illegible] [illegible] Ben.
Q Is the your young [illegible]? A Yes, sir.
Q Was she the daughter of Robert? A Daughter.

Nelson Murrell et al 15.

Q Did he have any other children? A Oh, yes, he had a house full.
Q What were their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Moses and Susie.
Q Where were they living when you run away? A Verdigris.
BY COM'R NEEDLES:
Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Sand you have been talking about? A Up on the Arkansas River.
Q Is it in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee Strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did yourowners ever hunt you up? A I guess they did, they had a reward out for me.
Q They never found you? A No, sir.

Remainder of Application taken by Stenographer, M.D.Green

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 8th day of June, 1901.
(signed)T.B.Needles,
Commissioner.

Continuation of this case from notes taken by stenographer J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Choteau, I.T., June 6, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; DOC WEBBER, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Smith, of Bellamy & Smith, for applicants;
W.T.Hastings, for the Cherokee Nation.

Q What is your name? A Doc Webber.
Q Where do you live? A On Illinois Creek.
Q In what district? A Goingsnake District, Cherokee Nation.
Q What is your post-office? A Tahlequah.
Q How long have you been in the Cherokee Nation? A All my life, I guess.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you been acquainted with him? A I have known him ever since I was a boy.
Q Do you know his wife Flora? A Yes, sir.

Nelson Murrell et al (continued 1)

Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representativ , W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, just before the war
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir.
Examined by Attorney Smith:
Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.
Examined by Commissioned Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill .
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend?
A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was scouting.
Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:
Examined by Attorney Smith:
Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 56 as well as I can guess at it.
Q Where do you live? A I live ten miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then came back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, meaning before the war? A Well, just about the time the war was coming up, we moved to where we lived. They had a camp up there, my old mother had a camp and they always went up there to gather up battle.
Q Your mother had a camp? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the bubble springs, but we would go up there every year to gather up the battle.
Q How far did you live from the camp? A I couldn't tell you. It would take us about two days travel to go there from the camp, but the miles I couldn't tell you.
Q Where was this you say Flora came from the last time? A The last time? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton had camp, lived?
A I don't know exactly, some hundred miles, I guess, maybe

Nelson Murrell - 1 - continued.

little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge.
Q How far from here? A Man named Lowan Vann.
Q Who did she come there with? A He was her husband.
Q What relation did he bear to her? A

Examined by Cherokee Representative, W.W.Hastings:

Q How old are you? A I am about 58, as near as I could remember I don't know exactly my age.
Q You were about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.
Q Bob was along at the time you saw this party, this Bob that was a witness here awhile ago? A Yes, sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your own pa? A No sir.
Q You didn't tell your people? A Told my parents.
Q But you didn't tell anybody else about seeing her up there?
A No sir.
Q You didn't testify five years ago, you didn't tell it then, did you? A No sir.

Examined by Commissioner Needles:

Q You knew she was a runaway? A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Viera; they are both duly identified on the Vann-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, - by reason of the fact that their name are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Viera, will be duly listed for enrollment as Cherokee Freedmen on doubtful cards; they will be duly notified by mail of the decision of the Commission when arrived at.

W. R. Cosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(signed) W. R. Cosen.

Subscribed and sworn to before me this June 8, 1906.

(signed) T. B. Needles,
Commissioner.

W. R. Cosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and attached to the Nelson Murrell testimony transcript and that same is a true and complete copy of the stenographic notes thereof.

Subscribed and sworn to before me this June 8, 1906.

[illegible]

Q [illegible]

Q [illegible]

Q [

Department of the Interior,
Commission to the Five Civilized Tribes,
Kowata, I. T., June 19, 1901.

In the matter of the application of George Washington Lane for the enrollment of him self as an intermarried Cherokee Freedman and for one son as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A George Washington Lane.
Q How old are you? A 48.
Q What is your post-office address? A Elliott, Indian Territory.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Adopted citizen.
Q Are you married? A Yes sir.
Q What is your wife's name? A Susan Ry
Q How old is she? A Thirty.
Q Is she a Cherokee Freedman? A Yes sir.
Q Recognized by the Cherokee authorities? A Yes sir.
Q Is her name on the authenticated roll of 1880? A Yes sir.
Q Has she been listed for enrollment? A Yes sir, she is enrolled.
Q What was her father's name? A Andy Fry.
Q Is he living? A Yes sir.
Q What's her mother's name? A Millie Fry.
Q Is she living? A Yes sir.
Q Is Susan Fry your first wife? A No sir; second wife.
Q Was your first wife living when you married Susan F? A Yes sir.
Q Were you divorced from her? A Yes sir.
Q Have you any certificate of divorce? A Yes sir. (Produces papers
Q Are you Susan F.'s first husband? A No sir.
Q Was she ever married before? A I don't know, I don't think she was ever ~~xxxx~~ legally married before.
Q You are what is known as a non-citizen? A Yes sir.
Q State man? A Yes sir.
Q Where were you married? A In my grandmother's
Q No, to Susan Fry? A In Vinita.
Q Was your first wife a citizen of the Cherokee nation? A Yes sir.
Q What is your first wife's name? A Florence Vann.
Q You say you were divorced from your first wife? A Yes sir.

Court: The applicant presents a certificate signed by D.W. Alberty, under the seal of the Cherokee Nation, certifying that marriage license was issued to George W. Lane, a citizen of the United States, to marry Florence Vann, and said George W. Lane was married to said Florence Vann on the third day of June 1898; applicant also presents certificate certifying that the following "George W. Lane, to Florence Lane, signature on plaintiff's petition, this judgment rendered by default like of record, Lack, Judge, as appeared the same on the record."

Said Alberty as Executive Secretary of the Cherokee Nation certifies that the foregoing is a copy of the record of the court of the Eighth District, Cooweescoowee District, Nov Term 1898; said certificate of marriage and said certificate just described, are filed herewith. Applicant also presents a certificate showing certifying that he was married to Susan Fry on the 20th day of April 1898.

Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir.

[illegible]

Q What was your first wife's name? A Lou Vann.

Q Is he living? A No sir.
Q What was her mother's name? A Flora Murrell.

1880 authenticated roll of citizens of the Cherokee Nation examined for Florence Vann, and Florence Lane and not found.

Q Was your first wife ever married before she married you? A No sir.
Q Have you got any proof of the citizenship of your first wife?
A Her mother, Flora Murrell.
Q As I understand, you were first married to Florence Vann?
A Yes sir.
Q And she was a daughter of Flora Murrell? A Yes sir.
Q Was Lon Vann, her father, a citizen? A Supposed to be, he is dead. I never saw him but once.
Q You claim your wife's citizenship through her mother, Flora Murrell, then, do you? A Yes sir.
Q And you claim that youare divorced from Florence Vann? A Yes sir.
Q And that since you were divorced you have married Susan Fry? A Yes sir.
Q And you married Susan Fry, you never had any Cherokee license?
A No sir.
Q Merely a certificate of marriage? A Yes sir.
Q Why didn't you get a license? A The clerk informed me that it wasn't necessary, already a citizen, I had taken the oath and complied with the law.
Q How long have you lived in the Cherokee nation? A I have been here ever since, '66.
Q Living here now? A Living here now, yes sir.
Q Have you any children? A One living.
Q Is that by your present wife? A By my first wife.
Q Was that child born enrolled? A No sir.
Q You say that Florence Vann was your first wife? A Yes sir.
Q Was Florence Vann ever married before she married you? A No sir.
Q You are her first husband? A Yes sir.
Q Was your present wife Susan Lane ever married before she married you? A No sir.
Q You never been married before you married Florence Vann?
A No sir.
Q Florence Vann living? A No sir.

Com'r Rendlen: The applicant applies to be enrolled as a Cherokee freedman by intermarriage; he avers that he was originally married to one Florence Vann, and Florence Vann he avers is a child of Flora Murrell, and he claims citizenship by intermarriage through the citizenship of his wife Florence Vann; his wife Florence Vann he says descended through mother of said Florence Vann he claims to be Flora Murrell, and said Flora Murrell is duly listed for enrollment on the Dawes commission district card 548, and the testimony taken in said application of Flora Murrell will be made a part of the testimony in the case of war, and a copy thereof will be filed herein. He avers that he was divorced from said Florence Vann, and proposes to file some proof of said divorce, which is filed herewith. He avers that since said divorce he was married to one Susan D. Fry, and made satisfactory proof of said marriage and said marriage to said Susan D. Fry is evidenced by a certificate of marriage that he files, and he avers that he obtained a license to marry his present wife, Susan, and that he is the father of one child by said Susan, and that he is not married to any other woman, and he asks that he be enrolled as a Cherokee freedman, and that he be enrolled as a member of the family of his wife, Susan Lane, and that the enrollment of his wife be made a part of the record in this case.

George Washington Lane et al.

the Cherokee law, the name of his wife, Sarah B. Lane, is found upon an unauthenticated roll of 1880 and she is duly identified as a Cherokee freedman; the applicant makes satisfactory proof as to his residence; said George W. Lane will now be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card, and attention is called to the fact of the insufficiency of the testimony as to the divorce and also to the further fact that in his second marriage no license was procured, as provided by the laws of the Cherokee Nation.

Com'r: Applicant also applies for the enrollment of his child.

Q What is your child's name? A James A. Garfield Lane.

Q How old is he? A 20.

Q What is his post-office? A Leadville, Colorado I think, he is out in Colorado.

Q Does he reside now at Leadville, Colorado? A Yes Sir.

Q How long has he been residing there? A He has been there a year.

Q Is he married? A No sir, he is out there for his health.

Q Where was he born? A In the Cherokee Nation.

Q Raised in the Cherokee nation? A Yes Sir, I sent him out there to Colorado for his health, he is kind of consumptive, about a year ago.

Q What is his mother's name? A Florence Shank.

Q Is his name on any of the rolls of the Cherokee nation? A Yes Wallace and Clifton.

Examined Clifton roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 124 Child Garfield Lane, (No district)
Wallace roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 124 James A. G. Lane, nine years old, Cherokee

BY MR. ADAIR:

Q How old would Garfield's mother be if she were living now?
A She would be about 30 I think, she died there.

Com'r Decision: The applicant applies for the enrollment of James A. G. Lane, his son, 20 years of age; his name appears on the unauthenticated roll of 1880, but he is duly identified upon the Dawes Clifton and Wallace rolls; he proves that James A. G. Lane is his child by his 3rd wife, Florence Shank, who was a daughter of Thos. Shank; satisfactory proof is had as to his residence, and James A. G. Lane will be listed for enrollment as a Cherokee freedman upon a doubtful card, referring it, with the testimony in the case, for the application of his father.

File with Cherokee Freedmen D-788, George W. Lane et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 18, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants:
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Cody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the Delawares came down here? A After them.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I went on the Journeycake Prairie, bordering with old man Journeycake.

Q How far was Journeycake living north of the Kansas line at that time? A Said to be about 25 miles.

Q Well, was you ever that country or back and forth to the Kansas line any in the neighborhood or vicinity of Muse Creek?

A Yes, sir.

Q Is Muse living along there now there at that time? A The East Muses going to Muse Creek from Journey [illegible] was only one little house.

Q What was that? A He was a Delaware.

Q There was the first one, or how many houses along there? A A few [illegible] old man Journeycake's, the [illegible] house, the East House, Good Cracker and the last house on the Illinois, the East House, the house by the home of John Journey [illegible], and the last house right on the road on the north of Muse's Little Cabin.

Q Now you say the country should have been during that year?

A [illegible]

Q [illegible] A No, I don't [illegible]

Q [illegible] A Yes, in the fall of '68 I made a trip to the Kansas line.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Tabber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '85.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 24th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to build that town called Parkersburg.

Q Did they build it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 20th day of May, the next spring.

Q Did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some letter along town there.

Q Did they have any town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me satisfactory town proof to purchase any lots.

Q Didn't you buy any lots? A No, sir, I didn't.

Q Did you ever own any in Parkersburg? A No, sir, never did.

Q Didn't you go back for the second time? A Yes, sir, the next time, that was I thought I would go home and buy my household effects.

Q Did you buy them? A I did.

Q How far was it from Parkersburg to where you started to return home? A It was 40 or 50 miles.

Q What was the next occasion that you went from home? A Well sir, I don't remember, and I am now a little hard.

Q How far was Parkersburg from the Kansas line? A Well, now sir, I don't remember the line was 40 miles off.

Q Did you go back? A Yes, sir, I did.

Q How did you do it, from Parkersburg? A Well I don't remember, I think I went back on the train.

Q Did you return to the place of your old homestead, did you? A Yes, sir.

Q Where did you? A I resided there.

Q Where did you live? A I lived up at Goodys Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the Creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.
Q Well now then you are not prepared to say that this applicant, Nelson Burrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any Houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
A Yes, sir. If a house had been out on the Prairie a quarter of a mile from me that way I could have seen it.
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

[illegible], being duly sworn by Commissioner Keeler, testified as follows:
Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '66.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q Then you were living a child? A My grandfather's name was Raffaldo.
Q Well, did he have any English name? A Little Raffaldo. They called him.
Q And your father came to the Cherokee Nation with you, did he? A Yes, he was a child at that time and was five years old.
Q Your father and mother? A Little Raffaldo.
Q Did you live with your father's family? A Little Raffaldo.
Q Did you live in the Cherokee Nation, in what county in the Cherokee Country did you live? A We lived on Snake Creek, above the Cherokee Country.

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, that.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you lived in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to church up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far: that is what I am trying to get at: have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Yates? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I would judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Now, when they moved with reference to the locality of Snow Creek, did you get acquainted with the Little family? A [illegible]

Q Well, did they live nearer the river than they did, or further away from the river than they? A I think they lived a little further away, [illegible]

Q [illegible]

[illegible]

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only at what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the creek.

Q But how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Have house the next fall; there is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Marshall? A Yes, sir.

Q And you have known him a long time? A Quite a while, I don't remember just what time.

Q A great many years? A I don't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, haven't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 48 years.

Q Well, now about how long have you been knowing old man Nelson Marshall? A I should judge about fifteen or twenty years; since my mother died I left them, and I to old Mr. Connor's.

Q How many years ago that after you came down to the Cherokee Nation that you went to Cambridge? A About '72.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You could recall a many things you did locate? A Yes, sir.

Q But you don't know, while you were up there, to the south of Snow Creek, there is another land the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You have had no reason to know the length of Snow Creek to the north where it joins the Verdigris from south? A No, I have to hear the white people talk this or the other thing.

Q Yourself, I mean, you never been up to the Snow Creek and the north of it and to the Verdigris? A Only right there where the road crossed Snow Creek.

Q How could you go to Snow Creek and what way? A Just straight up into Snow.

Q Do you know Nelson Marshall? A I know that Nelson Marshall, he married Nancy Connor, he died.

Q Do you know the Connor boys, Joe and Jim? A Yes, sir.

Q Do you know the Connor boys, Joe and Jim? A Yes, sir.

Q Do you know the Connor boys, Joe and Jim? A Yes, sir.

Q Do you know the Connor boys, Joe and Jim? A Yes, sir.

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southeast and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.

Q How do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from there you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Worrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any house there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know, can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN [illegible], being duly sworn by Commissioner Needles, testified as follows:

[illegible] What is your name? A John [illegible].

[illegible] Where do you live? A Up at White Hal.

[illegible] That your post office? A Yes, sir.

[illegible] How long have you lived in the Cherokee Nation? A I believe I have lived here about 20 years off and on.

[illegible] What is your nationality, are you a Cherokee or Delaware? A I am a full Delaware.

[illegible] Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

[illegible] What year was that in? A That I think was 1866, that was the year, I believe.

[illegible] Now you came to the Cherokee Nation in '66 did you? A Yes, sir.

[illegible] What part did you settle? A [illegible]

[illegible] Did you ever live in the Cherokee Nation in 1867? A [illegible]

[illegible] Do you know Nelson Worrell? A Well, I didn't [illegible]

[illegible] Did you ever live there? A Yes, we stayed there [illegible]

at a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found, if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north.

Q Six miles north of Journeycake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A West.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family up there by the name of Lowe? A Yes, sir.

Q Where did they live? A They lived up there below Coonskin Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came into here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 30 miles.

Q In what season of the year did you arrive in the Cherokee Nation?

A Well I think the 4th day of February.

Q Who did you come with, that is, I mean your own immediate family, your father? A Yes, my mother.

Q Well, where did you live when you first came here, did you have a house? A No, sir, I didn't build any house that spring. [illegible]

Q Did that result in [illegible]? A [illegible]

Q [illegible] A Yes. [illegible]

Q [illegible] A I came [illegible]

I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verrigris.
Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir; I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir; we came on down the same route we came when we came the first time.
Q How long did you stay in what part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood?
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.
Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Coodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not speaking of it, but stating it from your absolute knowledge, do you know? A Not far from the Kansas line: well there used to be two miles, there was a two mile strip there a while back, and the land line they made said I guess it must be about three miles I guess from the line.
Q You speak the mouth of Snow Creek? A Yes.
Q You said right exactly on the Kansas line? A No, sir.
Q Then you camped right exactly three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more space around after it runs into the Verdigris, was there? A No, I guess not.
Q It had to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek?
A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No.
Q Then you were right exactly on the line, weren't you? A No.
A Yes, sir, [illegible]
Q [illegible]
A [illegible]
Q [illegible]
A [illegible]
Q [illegible]
A [illegible]
Q [illegible]
A [illegible]

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can'e say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q ~~You don't believe it was, but you don't know~~? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you: Well that is all you know about it, Mr. Secondine, that you didn't see a house there: you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

[illegible] MELTON, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A Henry Melton.

Q [illegible] A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek [illegible] years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the south of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir. He was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir. I know, because I used to go from Bird Creek from there.

Q How long before the breaking out of the war had you been down there? A I don't know. I can't tell.

Q Well, had it been a year or two years or six months, what do you think about it. I want to get the range there. About how long it had been before the war came on? A I can't tell you.

Q You and Nelson belonged to the same [illegible], did you, before the war? A No sir. My sister married Nelson Melton's young brother, John Melton.

Q You and Nelson Melton belonged to about the same of Murrell? A Yes sir.

Q To that the same [illegible] Murrell that lived in Tenkiller part of the state and were part of the tribe? A I guess that is the man.

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

****

Taking of testimony continued by Stenographer J. O. Rosson.

****

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

Q How long did you get into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, [illegible] and I went to and fro from one country to the other.

Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation and to the settlement called the big creek settlement.

Q Don't you know when it was you first went to the Creek Nation? A No, sir.

Q How did you get to be a citizen of the Creek Nation? A By Act, passed of Council acknowledging my arrival.

Q When? A I was in the Creek Nation in the limit, the 12 months.

Q Twelve months from when? A From April the 15th or 16th I suppose.

Q April 16th what year? A From the passage of the treaty.

Q When was that? A '66, April, '67.

Q When you moved for Dora where did we live? A Over the Nation.

Q Have a house to live in? A Oh, yes, we had a little, just little place started and worked for him.

Q Just started, well, was it a house or not? A Some I suppose.

Q Don't you know, don't you know a house when you see it? A Yes, sir.

Q Was it a house or not? A Yes, sir.

Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.

Q How early in '68 and how late? A Now, the days of [illegible] and so on, I could not tell [illegible] hay making time.

Q Do you know the built the house? A No, sir, the house was there when I went [illegible].

Q Do you [illegible] know anything about a [illegible] before that time that lived in the [illegible]?

A I don't know.

Q [illegible] my livi[illegible] there [illegible]

Q You did [illegible] him? A [illegible] with the people.

Q People lived [illegible] there [illegible]

A I don't know, it might have been [illegible] people [illegible].

Comm'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #925, #708 and #994.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings [illegible]

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.R.D.#648, continued. Former portion taken by Stenographer [illegible] C. Pease.

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Meadles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do you live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where were when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he came back from Texas.
Q About when did you see him? A When did I see him?
Q Yes. A I don't tell exactly what it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he had got out?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she went? A No, sir.
Q Was she with her [illegible] when the war broke out?
(No response.)
Q Was she at home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know any [illegible] more, what the disposition of it was?
A I guess she went off.

[illegible] I object to what the [illegible].

Witness: [illegible] Mintie Melton and I live on [illegible].
Q [illegible] your husband and she [illegible] was this country before the war broke out?
A [illegible] I object to the question, if she heard [illegible] in the [illegible], and the [illegible] was my [illegible].
Q [illegible] Did you see the [illegible] to [illegible].
A [illegible] I was at home and I was at home. I didn't know where she was

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COW'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No, sirr
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I said I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.
Q Have you told me all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just tell the truth? A Yes, sir.
MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with, were you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman has told you"? A I said
Q Did you say "I guess maybe"? A No, sir.
Q You didn't say that at all? A No, sir.

[illegible] being duly sworn by [illegible] testified as follows on part of [illegible]:
MR. DAVENPORT: What is your name? A [illegible]

Q Where do you live, Mr. Caesar? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q That year did you come to the vicinity of Snow creek, Mr. Ceaser? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I come there.
Q How far was the improvements that you made from where Snow creek empties i nto the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquaintedwith the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settle up the creek, or near there, do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigriss, up the Snow creek from the mouth and up the Verdigris vrom the mouth of Snow Creek.
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian ;here that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north side of Snow creek, or south side. I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
MR. [illegible] How far were you away, Ceaser, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
Q Mile or ten miles? A Hard somewhere, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far you lived from the mouth of Cabin creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distance I could not tell... It was not very far.

Q About how many milds, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raisedone little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhores about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q How, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.
Q Soyou don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody livin, there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that Mas Nelson Murrell wasn't living there? A No, sir, I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived, there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '61.
Q And how long were you in the army you say? A I was in the army two years and two months somethings about that.
Q That time did that let you out? A I got out in September, well, in about. I was dischargedin September, '63.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '64.
Q Well, how many years? A Well, from '63 until '67.
Q And from there did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from ~~the~~ one country to the other.
Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it wasyou first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 15th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on snow creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #530, #652, #738, #923, #786 and #994.

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J. O. Rogers, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 28th, 1921.

Commissioner.

Supl. Order, C.F.D. #758.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of George W. Lane, C.F.D. #758, as a Cherokee Freedman.

Mr. Davenport, of Counsel for Cherokee Nation:
I want to apply Nelson Murrell, D.848, to D.758, George W. Lane.

Com'r Needham: The Cherokee Nation by its representative moves that the testimony taken in the matter of the application of Nelson Murrell, D-848, be made a part of the record in the matter of the enrollment of George W. Lane, D-758, and it will be so ordered.

---oooOooo---

J. D. Reason, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes is correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 31st, 1901.

testimony in the other cases [illegible]
part of the record.

MR. HASTINGS: The record shows that proof of notice to the [illegible] testimony was had and filed upon the attorney [illegible] these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-539, Steve Looney, D-519, and Reau Fox, D-538, and the testimony heretofore taken in these cases [illegible] [illegible] by the applicants themselves in to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about when the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

FILED
OCT 23 1905
CLERK CHICKASAW NATION

File with U. T. [illegible]

U. T. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 18, 1906.

In the matter of the application of [illegible] et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by [illegible] Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKENS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickens.
Q What is your age, Mr. Nickens? A 44.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson [illegible]? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '64.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Tesse Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.

MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.

MR. HASTINGS: Well, you knew his surname? A I knew him.

MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.

MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, in Bourbon [illegible]

MR. SMITH: I object to that because it is a leading question.

[illegible] He lived there where his father-in-law lived.

MR. SMITH: How long did you continue to know Nelson Ross, how long did you live on that place, did you stay? A I lived in [illegible] in '64, about the third of the year. It [illegible] it was a little longer or a little shorter.
Q First of that year? A Yes.
Q [illegible]
[illegible]
Q [illegible]
[illegible]
Q [illegible]
[illegible]
Q [illegible]
[illegible]

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Nowata to Scott, Fort Scott, they passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I saw him passing backwards and forwards.

Q Did you ever see Joe Rose after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '87; the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Which?

Q Nowata up there? A Nowata, I don't know what the distance is from here to Nowata.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '87.

Q How about Joe Rose? A I saw him in '87.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man I see that was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A No sir.

Q Where have you been living all along since that time? Ever since the war closed? A Living on a farm that I bought in '88, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left southern Kansas? A I don't remember just when they left there, there was quite a good many of them that I knew.

Q Well, you don't know if it's true that you saw Nelson Murrell in '87 and don't know whether he was one of the men acting as your guide? A Yes, I think I did.

Q Well, did you ever see him? A He has lived on the Allen place in a mile of me and I don't know but he remained there up to the time he died.

Q You say that you saw Rose during the year of '87? A Yes, sir, I saw him down, and I think all the year around and of course I saw him up there off and on.

Q Now, did you ever hear Rose say that you did have to kill a man on the road, that you had been down to Kansas and had gone back and had come back and had come down to Kansas? A No, sir, I never heard him say that.

Q Did you ever hear Rose say that he had been down to Kansas and had come back and had come down to Kansas? A No, sir, I never heard him say that.

Q Did you ever hear Rose say that he had been down to Kansas and had come back and had come down to Kansas? A No, sir, I never heard him say that.

Q Well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.
Q That was just your understanding? You didn't know it personally?
A Oh I seed them about the place. I know them well enough when I was passing there. I know them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q What is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir.
Q Lived there ever since the war closed? A Yes, sir.
Q Well, now how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir.
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.
Q Well, Mr. Stephens, how long had it been since Nelson Harrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about Nelson's how long had he been gone? A Why I don't remember. My recollection is just that I knew about the folks.
Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I know that time. On about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 1867.
Q Well, how many years elapsed before you had a conversation with anybody regarding the time he left? A I couldn't tell you just exactly how many.
Q Well, was it thirty or twenty-five? A Oh twenty-eight or thirty years, some there along there.
Q Well, [illegible] twenty-eight or thirty years, with [illegible] this you [illegible] conversation about that date? A I don't [illegible] so I remember [illegible] folks, because [illegible] of those folks that [illegible] me.
Q Well, [illegible] A [illegible]
Q [illegible] A [illegible]
[illegible]

a man at that time why I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, don't so, whether he had left there in '68 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your general— A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Well, now, tell us how he [illegible] what you do and about Nelson Murrell?
A Well, he [illegible] wrapped horses with him at one time.
Q Too [illegible] Yes, Mr. [illegible]
Q Well, is that all—I mean the only time you ever wrapped horses up there? A Oh no, no.
Q Who else did you ever wrap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)
Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the Commission was at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was I? I was at home, sir.
Q Was that about the time that they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

[illegible] being first duly sworn, testified as follows:

Mr. [illegible] Where do you live? A [illegible] Territory.
Q What [illegible] old, Mr. [illegible]? A I am nearly 60, 64 past.
Q Mr. [illegible], do you [illegible] Indian, sir, part Scott, Indian.
Q Have you [illegible]? A Yes sir.
Q Do you live right in [illegible]? A Yes, sir.
Q I will ask you if you [illegible] when you came to Lenape, [illegible] you lived there? A We lived in Lenape [illegible], Lenape, on the 4th day of April, 1898.
Q Are you [illegible]? A Right [illegible].
Q That statement? A Yes.
Q How far was it from [illegible] the house on the river at Lenape? A [illegible] the road out there, you walk down the river. The river runs in a [illegible] direction there.
Q Did you live [illegible] the house of [illegible]? A Yes sir, yes, sir.
Q Did you have a farm [illegible]? A Yes, sir, about [illegible] acres.
Q Did you know a [illegible] the name of Nelson Murrell? A [illegible]
Q [illegible] you lived [illegible]? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '68.
Q Fall of the year '68? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '69? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know that he left of Merrell, this Nelson Merrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Merrell or his wife either work for you also? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you venture to Kansas that prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Merrell after that time? A Yes, sir.
Q That is your acquaintance, the portrayal A My portrayal is as a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Merrell that you speak of, you don't know whether he was or whether he was? A No, sir.
Q Now, sir? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where he resided? A Yes, sir. You went back to the farm? A We went back home.
Q Did you pay your rent down at Mr. [illegible]? A No, sir.
Q Well, what kind of rent was to be paid? A [illegible]
Q What kind of rent did you pay for the farm? A [illegible]
[illegible]
Q What kind of agreement did you have with the [illegible] of your? A [illegible]
Q [illegible] A [illegible]
[illegible]
Q [illegible] A [illegible]

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.
Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? A How old was she?
Q About, yes, sir: was she a young woman, or middle-aged or old?
A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We come there on the 8th day of April, 1868, and they were there I think late in the fall of '69.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years: no, I will correct that, 18 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On that farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.
Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.
Q Well, why do you say he resided there all of the time? A His family was there, that was his home.
Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q Why? A At that time, as to me, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who called in this case or not? A Nothing only I've seen, sir, that is all.
Q In no change of by the name, the name you knew, by the name of Nelson Merrell? A As far as I know he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own knowledge? A Only what he told me.
Q What did he tell you? A Nelson Merrell.
Q I thought you answered. A You asked me if I had seen him. I said I haven't since that time, and I then there he told me further that his brother said [illegible] he said he was going.
Q [illegible] A [illegible] to be.
Q [illegible] A [illegible]
Q [illegible] A [illegible] and family.
Q [illegible]
Q [illegible]

to this country or to the territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Merrell had grown a crop, known on John Ross's farm, in '89, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q In '89? A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q When did you first think about the time he had left afterwards; how many years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose?
A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk on the subject, when did you first get to talking about the date that he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.
Q Well, do you remember when the commission was enrolling freedmen down here in the Cherokee Nation in about '88, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first here asked about that you knew about Nelson Merrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell; you said Merrell as I understand you? A Well, sir, Nelson Merrell.
Q How could you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Merrell or Merrell? A Well, after studying it over I would say it would be going to spell it that it was M-e-r-r-e-l-l.
Q Then you were interrogated as to Merrell? A Well, it was probably a mistake in pronunciation, sir, you and I might pronounce it differently.
Q Well, if it was spelled M-e-r-r-e-l-l you would't call it Merrell, would you? A It might be that pronounced.
Q Well, [illegible] put Merrell out of the proceeding? (No response)
Q Well, now, it had been good two years interrogated, as you speak of, something more than thirty years, hasn't it? I am not so really be sure, yes, sir. Thirty years ago, many years since he left there.
Q Did you have anything to refresh your recollection in books or papers? A No, sir.
Q Well, how could you remember exactly the year that you and your brother had harvested a particular crop for twenty years ago without anything refresh to refer to to enable you to do that? A Well, sir, I can answer that by saying that I [illegible] I [illegible] the year I [illegible] the country and that was the year, that I made application to a certain time.
Q Well, did you ever [illegible] the year [illegible] the [illegible] of the [illegible] A [illegible]
Q Well, in what year was [illegible]

date thirty years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q How was that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.
Q That's the best of your recollection at this time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?
A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.
Q When you couldn't tell about the time when the majority of them went away? A No, sir.
Q That time in the year did you arrive there yourself? A 6th day of April, 1864.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Have lived with your own family and your father and his family?
A Yes, sir.
Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.
Q Well, did you ever do any civil engineering after you went there?
A Yes, sir.
Q About when? A Several times in my time: worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.
Q Commencing about how long after you went to that country? A I was county engineer elected in 1868, and was the county engineer for four years, and deputy engineer for four years more, did the work.
Q Well, up to that time had you done anything except farm work?
A No, sir, very little civil engineering prior to that time.
Q Did you thereafter have charge together? A Yes, sir.
Q How long? A Well, I was with them off and on, but
[illegible] I can't
[illegible] I know they were getting away as much and what they did leave.
Q What did you take with them? A Took their families with them.
Q That's all? A That little stock they had [illegible]
Q Well, but such as they could get? A I don't remember now.
Q And I remember as to that.
Q Didn't seem to be much of a job for them to move and had A [illegible] I remember, but I regret [illegible]
Q Had the families? A Had our families.
Q Went and moved your family back? A Yes, sir, I [illegible] that's about the amount of transportation they had.

TAKING DEPOSITION, cont: There duly sworn, testified as follows:

[illegible] Have to you sworn? A [illegible]

Q What is your age, Mrs. Portney? A 68.
Q Is Mr. Portney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the state of Kansas? A The spring of '68.
Q Your husband come with you? A Yes, sir.
Q Where did you first locate? A Near Marmaton.
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just messing at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68 and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Of '68? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q Did you live there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q What was out in the country was it? A Yes, sir.
Q Do you know where they went when they left there or where they said they were going? A Well, I know that they said, they said they were going to the Nation, and further than that—
Mr. SMITH: I object to that, I want to know who said that.
Mr. [illegible]: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, any of course we were anxious to know about their moving away.
Q Did they talk about their making the preparations for their removal? A Yes, sir.
Mr. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.
Mr. [illegible]: Same and the same ruling.
Mr. [illegible]: Well, I don't know of. Contract objects to the statement made by any other person except the party to this suit.
Mr. [illegible]: (To witness) Did you know anything about coming to the Nation? A Yes, sir.
Mr. [illegible]: That question is objected to.
Mr. [illegible]: Was never any other time they talked A No, sir.
Q Did the [illegible] talk to you? A Yes, sir.
Q Did you know Murrell's wife's name? A Yes, sir.
Q Do you know what her maiden name was? A Yes, sir.
Q Do you know the name of a child named A [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible] A [illegible]

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Right? A Yes, sir.
Q Across the field was it? A Well, we would have had down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.
MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.
Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.
Q Well, that I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, no, we had been here, let me see, we came here the spring of '68, April, '68, and this is 19[illegible] let's see how long.
Q [illegible], during all that time did you keep it in your mind [illegible] they left were in a certain year during a certain year, and I want to know is why and how that was fixed upon your mind [illegible] particular date when they left? A Well, I was just thinking how long we had lived there, how long they had worked [illegible] am not positive as to the second year, sir, at all; but [illegible] fall. I can just remember of seeing the corn [illegible] when they were all getting ready. And I know [illegible] weather. I think it was very late in the fall [illegible] I don't know just exactly. I am not positive as [illegible] left just exactly.
Q [illegible] positive as to the year? A Yes, sir, I am [illegible] to that.
Q [illegible] in the year 1[illegible] you got there? A The 6th day of this [illegible] fall.
Q [illegible] have seen that man Murrell since that time? A No, sir.
Q [illegible] No, sir.
Q [illegible] know whether they are the same persons who are applying, as this [illegible] for enrollment or not? A I don't know, did you say?
A I [illegible] know well I presume so.
Q [illegible] what do you know about it; I don't want to know that you presume, but what you know? A Well, yes, sir, I would say they were the same parties.
MR. [illegible] Counsel for the representative of the Cherokee [illegible] be called [illegible] and made a part of the record in the [illegible] cases. For the record that these parties claim to have returned to the Cherokee Nation after the war; [illegible] at the same time that Nelson Murrell came, as follows: [illegible] Thos. Ross, V. Smith, Sam Ross, P. [illegible] and [illegible] Smith, [illegible] the [illegible] which are on file [illegible] Bean, Bean, Smith, Smith, Bean, Bean, [illegible] Bean, Bean, [illegible] Bean, Bean, and [illegible] in [illegible] the year 1[illegible]
[illegible]

the statements of the witnesses examined in this particular case today as to the time that Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-542, Jacob Ross, D-543, Steve Looney, D-519, and Enou Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur O. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur O. Croninger

Subscribed and sworn to before me this 14th day of April, 1909.

B. L. Kurtz

Notary Public.

graphic notes thereof [illegible] Arthur G. Crosiagh.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

FILED
MAY 1 1902
COMMISSIONER OF INDIAN AFFAIRS

S. W. D-548.

To be filed with the following Cherokee Freedman cases: D-550, D-552, D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-[illegible] and D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL [illegible], 1902.

In the matter of the application of Nelson Murrell, et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 41, on the 28th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forgot what his first name was, I got acquainted with him slightly, just knowing by his coming.
Q Did you know where he lived? A No, sir, I never did know where he lived, I know he lived up the river about two or a mile or two.

JOHN [illegible], being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Rilsby.
Q What is your age? A I will be 55 the first of October coming.
Q What is your post-office? A Parsons, Kansas.
Q How long have you lived near Parsons, Kansas? A Since '68, since August, '68.
Q You went there after the close of the war, did you? A Yes, sir.
Q Did you know Nelson Murrell, who is claiming to be a Cherokee freedman? A Yes, sir.
Q Do you know what his first name was? A I never did know his first name, I knew him by the name of Nelson Murrell.
Q Do you know where he lived? A Yes, sir, I knew where he lived, I knew he lived up the river about two or three miles.
Q Did you ever hear his first name? A No, sir, I never did.
Q Did you ever hear your father speak of his first name? A No, sir.
Q Do you know what he was doing at the time you first came acquainted with him? A He was farming.
Q Did you see him at his place? A Yes, sir.
Q Do you know how he got his land? A No, sir.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes, sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean, was he keeping house? A Yes, sir
Q And lived on John Todd's place? A Yes, sir.
Q What were the circumstances of your getting acquainted with him that you remember him that mean? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes, sir.
Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes, sir.
Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
MR. MULLETIN: You simply stopped there with him while you was breaking prairie there? A Yes sir.
Q Didn't know him very long then, did you? A No, sir.
Q Don't know where he had been before that, do you? A No, sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you break prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you know about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been over that.
Q Have you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?
A Yes, sir.
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first, that gentleman, do you know? A Yes, sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there?
A I don't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man- how do I know as I was recollect- if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about Lewis Murrell? A I don't know he said anything about that.
Q Is he the witness that lived in the Lewis- Lewis T. Murrell case a while ago? A I didn't see him.
A [illegible] Yes, sir.
Q [illegible] Well I just believed that he was. I never heard his name was Lewis.

Q Can you remember every man that you broke prairie for two weeks thirty five years ago? A No, sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.
Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes, sir.
Q You didn't even remember his first name when you was first asked the question? A I didn't.
Q Have you ever seen him since you saw him there? A I don't remember that I have.
Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.
Q Never have seen him? A No, sir.
Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '67.
Q And you don't know where he was except the time you speak of?
A That's all.
MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No, sir.
Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.
Q You was then subpoenaed, was you not? A Yes, sir.
Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here, was there any information given you that there was an organization for the purpose of trying to defeat the claimants?
A I never heard of any organization.
Q You came as any other witness after you had been talked to as to what you knew and then was subpoenaed, you came upon a subpoena after Mr. Rucker had talked to you and he wanted you about Nelson Murrell or not? A Yes, sir.

COMMISSIONER: These documents will be filed with and made a part of the record in the Delaware Cherokee Freedman cases D-480, D-481, D-482, D-483, D-484, D-485, D-486, the case of Bell, also in Cherokee Freedman cases D-[illegible], D-[illegible], and D-[illegible].

C.F.D-548,---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 9th day of June, 1902.

Notary Public.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. H. Hutchinson

Subscribed and sworn to before me this 29th day of October, 1908.

Edward Murrow
Notary Public.

FILED
OCT 30 1908
SECRETARY OF THE INTERIOR

C.F.B. 758.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 25, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GEORGE W. LANE ET AL., as Cherokee Freedmen.

Appearances:
L. B. Bell/ attorney for the Cherokee Nation.

GEORGE W. LANE, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: State your name? A George W. Lane.
Q How old are you? A 50.
Q What is your postoffice? A Elliott, Indian Territory.
Q In what district do you live? A Goweescowee.
Q Are you the same George W. Lane that applied for enrollment as a Cherokee freedman? A Yes sir, I presume so, I don't know of any other in the Territory.
Q What relation are you to James A. G. Lane? A He is my boy.
Q Who was his mother? A Florence Vann was her maiden name.
Q Did she ever go by the name of Florence Meigs? A Yes sir.
Q How came she to have that name? A She and I separated and she married Meigs.
Q Is she living or dead? A She's dead.
Q When did you first get to know her? A Florence Vann?
Q Yes? A I married her in '75, I believe.
Q How long did you know her before that? A Ever since she was a little girl. As a youngster around there at the place; she was a school girl.
Q You didn't know her before the Civil war? A No she was only 14 when she and I married?
Q She was born since the war? A yes sir, evidently had to be.
Q You think she was about 14 years old when you married her in '75
A Yes sir, that is my understanding, of course, I don't know where she was born.
Q Who was her father? A Lemon Vann. We died very shortly after I got acquainted with him. He came up from the South I think and went back down there and died. He came up and went back down there and died.
Q Was he a Cherokee freedman? A I presume so, I don't know anything about the citizenship of the people.
Q Who was her mother? A Viney Vann, Viney Murrell was.
Q So that the same Viney Murrell that is the wife of Solomon Murrell? A yes sir, the same person.
Q There was your wife living when you first got her?
A It was up on Deer Creek. When I first got her she was visiting up there, visiting some relations up there. Then she went away and I never saw her for a year or two and then she went up there to live permanently afterwards. I married her in '75.
Q Where did you and she live in '75? A Up there on Deer Creek
Q What nation? A Cherokee Nation.
Q How long did you and she live together in the Cherokee Nation?
A We lived together from '75 to '95, I believe.

Q Have you lived in the Cherokee Nation all your life?
A Since '67 I have, continuously.
Q Was your son, James A. G. Lane, born in the Cherokee Nation?
A Yes sir.
Q Has he lived here all his life? A Yes sir.
Q You don't claim to be Cherokee freedman yourself do you?
A No sir.

FLORA MURRELL, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Flora Murrell.
Q How old are you? A I don't know just exactly.
Q Were you born before the war? A I guess I was. I came with the Cherokees from the old country.
Q What is your postoffice? A Coffeyville.
Q In what district do you live? A Coweesecowee.
Q You are living in the Cherokee Nation, are you? A Yes sir.
Q What relation, if any, was Florence Meigs to you?
A She was a daughter of mine.
Q Who was her father? A Robert Vann his name was. The Cherokees called him Lauen.
Q Who is your present husband? A Nelson Murrell.
Q When was Florence born, before the war or after the war?
A Just at the commencement of the war.
Q After the commencement of the war, after the war started? Yes or
A She was born then after '61, was she? A I don't known that, I don't know nothing about dates.
Q She was born after the commencement of the war? A Yes sir.
Q Where was she born? A Born at the Big Bend.
Q What Nation? A Cherokee Nation.
Q Was she taken out of the Cherokee Nation at the time of the war? A She was born there, never was out.
Q I am talking about Florence?
A She never was out.
Q Did she live continuously in the Cherokee nation from the time she was born until her death? A Yes sir, only short trips she would make visiting about in the States.
Q Where did she die? A There at home.
Q In what Nation? A Down on Snake Creek, Coweesecowee.
Q Cherokee Nation? A Yes sir.
Q When did she die? A I don't know just exactly when she died, but as well as I remember I think she's been dead about 3 years.
Q Was she born in the Cherokee Nation in the year of '64, your daughter? A In '64?
Q Yes? A Yes sir, I never was out.
Q I am talking about her now? A She was with me all the time.
Q She lived with you continuously up to the time she got married?
A Yes sir.

Q Where did you live before the war?
A [illegible]
Q Where did you live in '60? A [illegible]
Q In '61, did you live [illegible]? A [illegible]
Q Where in Cooweescoowee District? A [illegible]
Q Where did your husband, Lauen, [illegible] there in '60 or '61? A I was [illegible]
Q Where Lauen [illegible]? A [illegible]
Q Where did you go [illegible]? A [illegible]
Q Did you spend your life in the nation? A Yes sir.
Q Every one there in your [illegible]? A [illegible]
Q [illegible] A [illegible]
[illegible]

Q Living on Big Bend you hardly knew when the war began?
A I only knew by my husband ~~f~~ending out from his friends.
Q There was ~~k~~ nobody living there before this? A Yes sir, Cherokees living there.
Q Name some of them? A Wiley Butler, Jake Owens was one, Hubert Robinson. Wiley Butler was a preacher and Robinson was also a preacher and Jake Owens was just living up there. There was another Indian by the name of Hamill and another one, Sequoyah.
Q Then that country was pretty well settled? A No sir, not pretty well settled.
Q You named a good many folks? A They lived there.
Q Did you live in a house? A No sir.
Q Where did you live? A In a dugout in a cave.
Q Which side of the river did you live on? A On the west side of the Arkansas, on the west side.
Q How far did these folks live from you? A Didn't live far.
Q Ever go to any of their houses? A Yes sirm, they was friends to us. They fed us a good deal.
Q How long did you live in that dugout? A We lived there until way in thewinter.
Q How long? A I don't know, all during the war and all after the war.
Q You went off about three years before the war too? A I think it was, maybe longer, maybe not so long.
Q When did you first come back here to the Cherokee Nation? When did you first ~~xxxxxxxxx~~ leave Big Bend to come back here?
A I left Big Bend in '66 as well as I know. I come down on the river to a house owned by a man by the name of Ben Grimmett stayed all night at Ben Grimmett's and come on down to Tahlequah to see my mother. There was a Cherokee there by the name of Charley Sunteen. He told me the best thing I could do wasn't to come down there because they were made at me , the Cherokees and would kill me. I went to my cave and there I stayed there a while and come out again.
Q You lived in the same dugout as Sawney did? A Yes sir.
Q That is your son? A Yes sir.
Q You and him lived together? A We lived together until he married. ~~xxxxxxxxxxxxxxxxxxxxxx~~
Q He didn't marry while you was out there? A No sir.
Q You lived together while you were out at Big Bend? A Yes sir.
Q He was a good big boy at that time, was N't he? A Yes sir, about two years od when I went there
Q You say you never went to New Mexico or Colorado? A No sir.
Q Never was at either of these places? A Never been there yet
Q Never been out of the Cherokee Nation at all? A Yes sir, I have been out.
Q Where have you been out? A Baldwin City and Parson.
Q Where is that? A Up in Kansas, I was there on a visit.
Q When was that? A It has been four or five years or longer than that, when I had my boy, he go to school there.
Q How many children did you have before you went off? A I was the mother of three, but none be good.
Q You only took one with you? A Yes sir.
Q Where was Florence born? A At Big Bend.
Q How many was born to you there? A Only three.
Q Don't you have more than that? A Yes sir, on Snow Creek.
Q Along the war did he (the Cherokee soldier)? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 29th day of October, 1905.

Edward Merrick
Notary Public.

Cherokee Freedmen D 788.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James A. G. Lane as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 18, 1901, George W. Lane appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his son, James A. G. Lane, as a Cherokee Freedman and for the enrollment of himself as a Cherokee Freedman by intermarriage, but as the status of such claimants by intermarriage is not fixed at this time, the said George W. Lane is not embraced in this decision. Copies of the testimony taken in the case of Nelson Murrell, et al., Cherokee Freedmen D. 848, are made a part of the record herein.

The evidence shows that the applicant, James A. G. Lane, is a son of Florence Meigs, deceased; that the latter was born since the commencement of the rebellion and was a daughter of Flora Murrell who was the slave of a Cherokee citizen at the commencement of the rebellion; that Flora Murrell did not leave the Cherokee Nation during the rebellion, but she and her daughter Florence resided therein during the entire year of 1866.

The evidence further shows that the said James A. G. Lane has resided in the Cherokee Nation all his life, except that since the year 1900 he has been temporarily out of the Cherokee Nation for sometime for the benefit of his health.

It is, therefore, the opinion of this Commission that James A. G. Lane should be enrolled as a Cherokee Freedman, in accordance with the provisions of section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Stanley.
Commissioner.

Washington, Indian Territory,
MAR 1 1904

Of No. 75-8

SEP 20 1901

Proof of Service made
and original filed with the
RATES COMMISSION.

SEP 30 1901

Proof of Service made
and original filed with the
RATES COMMISSION.

NOTICE!

IN THE MATTER OF the application of George W. Lane

for enrollment as Cherokee Freedmen:

Case No. F. D 758

To George W. Lane Elliott I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

C. B. Bell

M. M. Hastings

C. H. Adams

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James A. G. Lane as a Cherokee Freedman. F. D. 753.

PRECEDENT. PROTEST.

The Cherokee Nation respectfully protests against the Commissions decision ordering James A. G. Lane enrolled as a Cherokee Freedman and asks that same be forwarded to the Honorable Secretary of the Interior for Review.

Respectfully,

Attorney for the Cherokee Nation.

M09

COMMISSIONERS
TAMS BIXBY.
THOMAS B NEEDLES
C R BREECHINRIDGE
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D 756

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of James A. G. Lane as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-22

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY REFER ONLY TO THE FOLLOWING:
Cherokee Freedmen.
D-758.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of James A. G. Lane as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 21, 1904.

Respectfully,

Chairman.

Cher. Fr. D-759

Cher. Fr. D-759

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 16,1906.

In the matter of the application of George Lynch for the enrollment of himself and one child as Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A George Lynch.
Q How old are you? A 37 years old.
Q What is your post-office address? A Coffeyville, Kansas.
Q What district do you live in? A Coweskoowe District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My boy.
Q What is your boy's name? A Elmer Lynch.
Q How old is Elmer? A Nine years old.
Q Are you married? A No sir.
Q Were you ever married? A No sir.
Q What is the mother's name of this boy? A Caroline Francis.
Q Is she a Cherokee Freedman? A No sir.
Q And you were never married to the mother of it? A No sir.
Q You think it is yours do you? A Yes sir.
Q What is your father's name? A Joe Lynch.
Q Is he living? A Yes sir.
Q What is your mother's name? A Peggy Francis.
Q Is your name on the roll of 1880? A I don't know, I guess it is.
Q Is it on any of the rolls of the Cherokee nation? A Yes sir, have been.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Did you ever draw any money? A Yes sir.
Q Draw the Strip payment money? A Yes sir.
Q By the name of George Lynch? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Your father living, Joe Lynch? A When I drawed the Strip money I went by the name of George Melton.
Q What is your brother's name? A One named Will Lynch and the other was named Henry Carter.

Kern-Miller 1907 roll of citizens of the Cherokee Nation examined and applicant identified thereon as page 128 (2) George Lynch, Coweskoowe District.

Q Is your father living? A Yes sir.
Q Has he been listed for enrollment here? A I don't know sir.
Q Who do you claim citizenship through, your father or mother?
A My father and mother both.
Q Is your father on the roll of 1880? A I don't know sir.
Q Your mother? A Yes sir, she is.
Q Is your mother living now? A Yes sir. There was one year used Peggy Francis.
Q Was your name listed on the roll as Melton? A
Q Where is Henry, your brother? [illegible]
Q And you have called George Melton when you drew [illegible]
Q Did you ever hear of Eliza Ivy [illegible] was married [illegible]
Q Did [illegible]
Q Did you [illegible] A No sir.
Q Did [illegible] A No sir.
Q Is [illegible] A No sir.
Q Did you ever [illegible] A No sir, I don't know.

George Lynch et al #

Q Cherokee Nation? A Yes sir.
Q You lived there all your life? A No sir, I came up on Verdigris.
Q Have you ever lived outside of the Cherokee Nation? A No sir, I lived in the Cherokee Nation all my life.

PEGGY FRANCIS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Peggy Francis.
Q How old are you? A About 45.
Q You were listed for enrollment to represent you on the 30th of May, 1901? A Yes sir.
Q Were you ever married to Joseph Lynch? A No sir, I lived with him.
Q You lived with Joseph Lynch? A Yes sir.
Q But you and Joseph Lynch were never married? A No sir.
Q When you were living with him was this applicant born? A Yes sir.
Q Did you live together as man and wife? A Yes sir, down on Pryor's Creek.
Q And George here is your child by Joseph Lynch while you were living together? A Yes sir.
Q How long did you live with Joe Lynch? A About a year.
Q Then you married another fellow? A Yes sir, I didn't marry for quite awhile though.

BY MR. MASKINS:

Q You had been married before? A No sir.
Q Did you ever have a child older than George? A That's the oldest one.
Q Was Joe Lynch married before you lived with him down there? A No sir.
Q Didn't have no other wife? A No sir.
Q Didn't have any other children? A No sir.

Com'r Needles: George Lynch applies for the enrollment of himself, and his son, Henry, he avers that he is a child of Peggy Francis, and said Peggy Francis testifies that said George Lynch is her child by one Joe Lynch, to whom she was not married; said Peggy Francis has been listed for enrollment on Dawes card 1[illegible], and the testimony in said case will be made a part of the testimony in the case at bar, and a copy thereof will be filed herewith; the applicant's name cannot be found upon the authenticated roll of 1880 or the census roll of 1896, but are entitled upon the Chickasaw roll, and they have satisfactory proof as to residence, and will not be listed for enrollment as Cherokees by blood, and service avers that his mother is a child of Cherokee Freedman, a non-citizen.

Q Did you ever live with Caroline on your father's farm? A No sir.

[illegible] was sworn and examined, the testimony in the Dawes office of said George Lynch for the enrollment of his child, Henry Lynch, will be returned, there will be required.

[illegible]

[illegible]

Cher.Fr.D-760

Cher.Fr.D-760

DOUBTFUL as to wife, Jane.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 19, 1901.

In the matter of the application of Silas Hammer Brown for the enrollment of himself and three children as Cherokee Freedmen, and for the enrollment of his wife as an intermarried Cherokee freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Silas Hammer Brown.
Q How old are you? A Somewhere in my 30's, I don't know exactly.
Q What is your post-office? A Lamapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My three children.
Q What are the names of your children? A Willie Brown.
Q A boy? A A A boy.
Q How old is he? A I think he is 13. He is on the 1896 roll.
Q What is the name of the next one? A George Brown.
Q How old is George? A I can't tell you.
Q Well about how old, is he older than Willie or younger than Willie? A Younger? A (Produces papers.)
Q George is 10, what is the name of the next child, Viola? A Viola
Q She is four is she? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Jane Langley.
Q About how old is she? A She is in her thirties.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Is your wife's name on the roll of 1880? A I don't know sir.
Q Is she a Freedman or a non-citizen? A She is a non-citizen.
Q Known as a state woman is she? A Yes sir.
Q When were you married to your wife? A That will show you. (Produces papers)
Q 14th day of April, 1898? A Yes sir.
Q Were you ever married before? A No sir.
Q Was she ever married before? A No sir.
Q You have been living with her continuously since you married her? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified on
page 116 #1378 Silas Hammer, Coowescoowee District;
1896 census roll of citizens of the Cherokee nation examined and applicants identified thereon
page 407 #944 Silas Hammer, Coowescoowee District;
page 407 #949 Willie Hammer, Coowescoowee District;
page 407 #950 George Hammer, Coowescoowee District.

Q Have you always lived in the Cherokee nation? A Yes sir.
Q All your life? A Yes sir.
Q How comes it that your name and your children's names are on the roll as Hammer? A That's my daddy.
Q Your daddy's name was Hammer, how does your name happen to be Brown? A We just put it down on the roll Silas Hammer Brown.
Q You go now by the name different? A Yes sir.

Court Reckons Silas H. Brown applies for the enrollment of himself and three children under Cherokee Freedmen, and his wife as a Cherokee freedman by intermarriage; he is only identified upon the authenticated roll of 1880 (Dawes roll of 1896); his two children, Willie and George are identified upon the census roll of 1896, all of them are listed in the Freedmen; he explains the reason why his name is Hammer and

Silas Ramsey Brown et al #

upon the census roll of 1896, as I, Silas Ramsey; in the testimony he explains the reason why his name is Ramsey on the roll; he avers that he has one younger child, Viola, four years old, whose name does not appear upon the roll; they are all duly identified and make satisfactory proof as to sex & age. It will be necessary for him to file satisfactory proof of birth as to Viola, her name not appearing upon any of the rolls,- consequently, Silas R. Brown and three children enumerated herein will be listed for enrollment as Cherokee freedmen, he making satisfactory proof of his marriage to one Jane Langley, said marriage having been solemnized on the 14th day of ~~June~~ April, 1898; the name of his wife Jane Langley will be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card, awaiting further consideration of the Commission; he will be notified by mail at his post-office address of the decision of the commission in regard to the enrollment of his wife as an intermarried citizen.

M D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

Cher. Fr. D-761

Cher. Fr. D-761

S U P P L E M E N T A L T E S T I M O N Y.

T.-D.#761.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Samuel L. Young as a Cherokee Freedman by Intermarriage:

NELLIE YOUNG, being sworn and examined by Commissioner T. B. Needles, testified as follows: Witness introduced on the part of the Cherokee Nation.

APPEARANCES:

Samuel L. Brown, the applicant, present in person.
Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A Nellie Young.
Q How old are you, Nellie? A Going on 40.
Q What is your post office address? A Winer.
Q Were you ever married? A Yes, sir.
Q What is your husband's name? A Sam Young.
Q Is he the sam Young that has applied this morning to be enrolled as a Cherokee Freedman by intermarriage? A Yes, sir.

BY MR. HASTINGS:

Q When did you separate? A Four years ago.
Q Now, what was the cause of this separation? A He taken another woman on d went to having children by her and would not stay with me; wouldn't do anything for me; taken everything I had and put it on her.
Q Did you ever bring suit for divorce? A Yes, sir.
Q Where? A It is right on ponding now at Vinita.
Q He took up with another woman? A Yes, sir.
Q And had how many children by her? A He has had five by her.

BY MR. BROWN, the Applicant:

Q You said I had five children by her? A Yes, sir.
Q Didn't you sue me for divorce in the Cherokee Court?
A Yes, sir, on account of that.
Q And I told you to come and prove it? A Yes, sir.
Q Did you prove it? A The witnesses was right there come at the women and they said the children was here and you said that you had hired the men to say they was the theirs.
Q Why don't you prove it then? A The time run out before the Cherokee Court run out and had to go in the United States Court.
Q You had four years to prove it in; when she came there from Fort Gibson I asked her and she said I could get a divorce from you if I wanted one from you for Ten Dollars? A I never said anything like that.
Q You didn't say anything like that? A Yes sir; you said you would not stay away from her and I said if you didn't stay away from her.
Q All we want is the truth? A That is the truth; the children is right here on the ground.
Q That didn't prove that? A Yes, sir, it does.

BY MR. HASTINGS:

Q Long is been with him a wife? A Yes, sir; she had been married

with the Indian Commission, a Not Public court.

[illegible]

[illegible]

I, [illegible], being first duly sworn, statement as stenographer to the Commission in the Five Civilized Tribes, do correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 29 day of [illegible], 1901.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Samuel L. Young for enrollment as a Cherokee Freedman by Intermarriage; said Young being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Samuel L. Young.
Q What is your age? A About 37 years old I guess.
Q What is your post office? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee freedman?
A Adopted.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Nellie Young.
Q How old is she? A She is about thirty some odd.
Q What was her name before you married her? A Daugherty; she married a man by the name of Daugherty, but her mother's name was Campbell.
Q What was her father's name? A Andy Daugherty.
Q Is he living? A No, sir.
Q What is her mother's name? A Nancy Campbell.
Q Is she living? A No, sir.
Q Is your wife's name on the roll of 1880? A I don't know, sir; her folks is on the roll.
Q Was your wife ever married before you married her? A No, sir.
Q Were you ever married before? A No, sir.
Q Have you lived with her continuously since you married her?
A No, sir.
Q Have you and she parted? A Yes, sir.
Q Have you any divorce from her? A No, sir.
Q Have you married since you separated from her? A No, sir.
Q Well, what was the cause of the separation? A Thought it was best I guess.
Q Well, did you leave her or she leave you? A She left me.
Q Where were you living when she left you? A Living in Coowescoowee.
Q What part of Coowescoowee? A Chelsea.
Q Living in the town of Chelsea? A Yes, sir.
Q Keeping house there? A Yes, sir.
Q Did you leave the house or she leave it? A She left the house.
Q Has she been married since? A No, sir.
Q What is the reason she left? A She thought she could do better I guess.
Q You never applied for a divorce? A Yes, sir.
Q You did? A She did.
Q Was the divorce granted? A Not yet.
Q What Court? A Cherokee Court and U. S. Court and I applied since she leave.
Q You both applied for a divorce? A Yes, sir.
Q Where is the divorce pending now? A Vinita.
Q What cause did you set up for a divorce? A She would not live with me; she was living up there keeping house, she has been arrested one and she would not come back any more.
Q She was arrested? A Yes, sir.
Q What for? A Living with another man.
Q Well, what cause did she set up in her bill of divorce against you? A She claimed that she heard I had a child.
Q Had a child outside? A Yes, sir.
Q Well, was that true? A I told her to prove it.
Q She hasn't proven it yet? A No, sir.

Comr. Needles: Applicant presents a duly authenticated copy of marriage license and record and certificate certifying that she was married according to the provisions of the laws issued by the authorities of the Cherokee Nation; said license issued on the 22nd day of May. Certificate states that the applicant was married on a given number

of marriage.

Q When were you married? A 1884.

BY MR. HASTINGS, Cherokee Representative:

Q You stated a while ago in your testimony that you never had been married since? A Nol sir.
Q Haven't you been living with this woman's niece since then?
A No, sir.
Q Haven't you got four children by her? A No, sir.
Q Well, where have you been living? A Chelsea, Claremore.
Q Who did she accuse you of having children by; accuse you of having children by this niece of hers? A Yes, sir.
Q Did you ever work for her, this niece? A No, sir.
Q Where does she live? A She lives on Panther Creek.
Q How far is that from Chelsea? A That is about six miles.
Q Wasn't that the cause of this separation, this estrangement between you and your wife? A No, sir.
Q You never stayed in the house with this woman? A No, sir.

Com'r Needles: Applicant also presents a permit which is filed herewith.
Upon examinations of the rolls of the Cherokee Nation it is found that Nellie Young, averred wife of the applicant, was listed for enrollment on doubtful card #427; her name appears only upon the Wallace roll, #6179, page 152.

BY COMM'R NEEDLES:

Q How long have you lived in the Cherokee Nation?
A About 21 years.
Q You lived with your wife continuously until this separation?
A Yes, sir.
Q When was this separation? A During the Lipe Payment at Fort Gibson, I don't know exactly when it was.
Q Well, about how many years ago? A About four or five.

COM'R NEEDLES: Samuel L. Young applies for the enrollment of himself as an Intermarried citizen. He avers that he was married to one Nellie Daugherty in the year 1884, and present marriage license authorizing the marriage to said Nellie Daugherty; said marriage license having been issued according to the laws of the Cherokee Nation. He avers that his wife, Nellie Daugherty, is a Cherokee Freedman. The record shows that the said Nellie Daugherty was listed for enrollment on Doubtful card #427. He avers that he was separated from his wife; for particulars of the separation see testimony. He makes satisfactory proof as to his residence, consequently said Samuel L. Young will be listed for enrollment as a Cherokee Freedman upon a doubtful card pending further consideration of the application. He will be notified by mail of the action of the Commission in the premises.

S. G. Rogers, being first duly sworn, states that at request of the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1906.

Stenographer.

Cher. Fr. D-762

Cher. Fr. D-762

To be filed with case of Henry Carter, C. F. D.#762.

REJECTED, as to Grandchild, Elmer Lynch.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., MAY 30th, 1901.

In the matter of the application of Peggie Francis for the enrollment of herself and one grandchild as Cherokee Freedmen, said Francis being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Peggie Melton.
Q How old are you? A 43.
Q What is your post office? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q Who? A Three children.
Q Have you a husband you want to apply for? A My husband is dead.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Henry Melton.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Hannah Melton.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I don't know, sir, how long she has been dead.
Q Well, about how long, five or six years, ten years? A It has been about five years.
Q Give me the names of your children? A George Melton.
Q How old is that child? A 26.
Q Well he will have to apply for himself, he is of age.
A Yes, sir.
Q Give me the name of the next child? A Henry Melton.
Q How old is he? A 23.
Q Well, he will have to apply for himself, he is of age?
A Yes, sir.
Q Give me the name of the next child? A Elmer Melton.
Q How old is Elmer? A Nine years old.
Q Well, your name has been Melton all the time? A No, sir, that is the way I enroll.
Q What is your present name? A Francis.
Q Peggie Francis? A Yes, sir.
Q And your father was a Melton? A Yes, sir, and I give my children Melton.
Q This child is Elmer Francis? A No, sir, this is my grandchild.
Q This child then is named Elmer Melton, that is its real name?
A No, sir, its real name is Elmer Lynch.
Q Well, now, give me the name of the father of this child?
A George Lynch.
Q Now is George Lynch alive? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Give me the name of the mother of this child? A Caroline Francis.
Q Is she dead? A I don't know where she is.
Q She has gone and the child left on your hands, is that it?
A She gave the child to me.
Q How old is George Lynch? A 22.
Q How old is Caroline Francis if she lives? A About 18.
Q You don't know where she is? A No, sir.
Q Were you and George Lynch ever regularly married? A No, sir.
Q Is this child whatever its right may be is through his father?
A Yes, sir, she is a black woman.
Q Was Caroline your child? A No, sir, stepdaughter.
Q Caroline was a daughter of your husband by another wife? A Yes, sir.

Q Now, what was your husband's name? A Richard Francis.
Q He was a State-man? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q How long has he been dead? A Seven years.
Q He never got out a Cherokee license when he married you?
A Yes, sir.
Q Where is it? A I reckon it is at home.
Q When were you and he married, how long ago? A Been married about 15 years I reckon.
Q And before you married him was your name Melton? A I was a Carter.
Q You had a husband named Carter? A Yes, sir.
Q What was his name? A John Carter.
Q Was he a State-man or Cherokee Freedman? A He was a Cherokee Freedman.
Q Is he dead? A No, sir.
Q You and he parted did you? A Yes, sir.
Q Before you were a Carter then you were a Melton were you?
A Yes, sir.
Q What kin is George to you? A George Lynch is my son.
Q Well have you ever had any other children by the name of Lynch?
A No, sir.
Q Just this one? A Just one Lynch.
Q And then you have a grown up child named George Melton?
A That is the same child.
Q Same one you call George Lynch? A Yes, sir.
Q And then you have a child you call Henry Melton grown up?
A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

Q Did you draw Cherokee strip money? A No, sir.

The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 124, #2617, Peggy Melton, Cooweescoowee District.
Page 124, #2618, George Melton, Cooweescoowee District.

Q Now, this child, Elmer Milton, or Elmer Lynch, you never drew any money for that child? A No, sir.
Q And he is not on any roll? A We thought he was enrolled.
Q Then, when you drew money? A Yes, sir.
Q Is that the only time you tried to enroll him? A No, sir.
Q When did you try to enroll him? A About 12 or 13 years ago.
Q He is not that old? A Well he was about five or six months old when the census roll was taken.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of Elmer Lynch not found thereon.
The 1880 census roll of Freedmen of the Cherokee Nation examined and name of Elmer Lynch not found thereon.

Q Was your mother you say a Cherokee Freedman? A Yes, sir. They lived down south and she died down there.
Q Was your father is he Cherokee Freedman? A Yes, sir.
Q Where is your father now? A He is out here.

HENRY MELTON, being sworn and examined by Commissioner C. A. Brandenburg, testified as follows:
Q What your name? A Henry Melton.
Q How old are you? A About 28 years old.
Q Where are you living now? A Living in Cooweescoowee District.
Q What is the name of your present wife? A Minnie.
Q Is he a Cherokee Freedman's son? A Yes, sir.

Q What is your post office now? A Coffeyville, Kansas.
Q You were enrolled here a day or two ago were not you?
A Yes, sir.
Q With your wife and two children? A Steve and Sallie.
Q How old is Sallie? A I said she was about 40.
Q Is she a crazy child? A Yes, sir.
Q And Steve is Crazy? A Yes, sir
Q Do you know this applicant here? A Yes, sir.
Q What is her name now? A Peggie Francis.
Q What was her mother's name? A She was named Hannah.
Q She is dead is she? A She went south, the last report we hears of her, she wrote it and on the point of death.
Q She is supposed to be dead now? A Yes, sir
Q This woman, Hannah, was your wife once was she? A Yes, sir; that is the first woman I ever had.
Q When was it you and this woman Hannay married? A In slave times.
Q Whom was it Hannah belonged to? A Lewis Welton.
Q He was a cherokee citizen was he? A Yes, sir.
Q Was she a slave in the Cherokee Nation when the war began?
A Yes, sir.
Q Where was she taken during the war? A They took her south and I took myself north.
Q Well at the time your wife, Hannah, was taken south was this child born, this child Peggie here? A Yes, sir.
Q Did she go south with her mother? A Yes went with her mother.
Q Well how long have you and Hannah parted was it before you married again? A I carried a woman along with me, just went on north and she was born.
Q Henry, that looked like you sorter ran off? A Well, I run back I was running north.
Q Well, your wife, Hannah, has been down in Texas ever since?
A Yes, sir.
Q When they took her down there they took this child with her?
A Yes, sir, took her right along with her.
Q When do you know of this child's coming back? A I went to get her at Polly Vann's, down to this side of Fort Gibson.
Q Who brought this child back from Texas? A My uncle, Uncle Bill Welton.
Q About what did your uncle Bill bring this child back? A I don't know what time he brought her back, but I went to get her in '66.
Q Where did you find her? A Down to Polly Vann's, down five miles this side of Gibson.
Q You never went here in 1866? A Yes, sir.
Q Did you find this child there? A Yes, sir, brought 'em home.
Q Who all came with her at the time she was brought back? A I don't know, sir, I lives up on Pryor Creek.
Q All you know you heard that child was down there? A Yes, sir, her mother sent them for me.
Q She didn't send for you to come down there and more?
A No, sir, no one.
Q Well, where has this child been living ever since that?
A Been living with me to the time until she married.
Q When did she married them? A John Carter.
Q Was he a Cherokee freedman? A Yes, sir.
Q Well, he is alive don't he? A Yes, sir.
Q And then she parted from Carter and married somebody else?
A married Mr. Francis.
Q But when did she marry this man Francis? A Well, sir, I don't know nothing about it.
Q The name of her husband married Francis? A Yes sir
Q And she gave him by the name of Peggie Francis? A Peggie Francis.
Q Well has she lived in the Cherokee Nation ever since?
Q Do you know what name to put on roll? A Yes, sir, Peggie Francis.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 140, #1(a), Henry Melton, Cooweescoowee District.

Q Now, were you the first husband that your wife, Hannah, ever had?
A Yes, sir.

PEGGIE FRANCIS, the Applicant, recalled:
Q Do you remember when you were brought back from Texas? A No, sir, I didn't.
Q Where is the first place you can remember?
A I remember Fort Gibson.
Q That is the first place you have any recollection of?
A Yes, sir.
Q Well, who brought you up all through your childhood?
A My uncle and Mammy.
Q Give me their names? A Bill Melton my uncle's name.
Q Well he and his wife brought you up? A My Mammy.
Q But your mother you left her? A Oh, when I come back?
Q Yes. (No response.)
Q Well, how long did you live with William Melton? A I was with him all the time the war was going on.
Q Your father says he brought you back? A Yes, sir, he brought me back from the south.
Q Who did you live with? A Edmond Vann come and got us first and sent to my father and my father come and got us.
Q. Well, then did you live with your father? A Yes, sir, after that.
Q You were still a child? A Yes, sir.
Q That was a short time after the war? A Yes, sir.

HENRY MELTON, recalled, further testified:
Q Where was your child when you got her? A Polly Vann's.
Q Why isn't this child on the roll of 1880? A When they came around to enroll they, Dick Duck and John Hicks, they didn't find her.
Q The child was living then with you? A She was married and they came to my house and enrolled me and I told them where they would find my children, one of mine was off washing when they come there.
Q Did the people go around to the census taker or did the census taker go to the people? A The census taker come to the people.
Q They didn't have one place like they do now and the people all come to them? A They just went to our houses and picked us up.
Q Has this child of yours got a child by George Lynch?
A Yes, sir.
Q Sometimes call him George Melton? A George Lynch.
Q That is this woman's own child? A Own child.
BY W. F. MARTIN: Q Henry, where did you first stay after you came back after the war? A Down yonder on Pryor Creek.
Q How far from where Pryor Creek station was it? A Chouteau?
Q Well, Chouteau, how far from Chouteau? A I call it six miles.
Q What direction is Chouteau? A Up North, Northeast.
Q There is where you come first and lived? A Yes, sir.
Q Now, who was living in that neighborhood when you came there?
A Bill Lynch and Thompson and John Brown.
Q Is the same John Brown who lives near Chelsea? A Yes, sir.
Q Now, what time in the year was it you came there? A In April.
Q Then was a crop there that year, 1866? A Yes, sir, raised a crop on Mr. Martin's place.
Q Well, how many crops did you make there while you lived there? A I made many crops, I made out pretty.
Q How long did you live there? A I stayed out out by in the nation [illegible] the most by the other you came? A No, sir, I was [illegible] home.

Q How long had you been there at that place when you went to get her? A I had been there 1 ng enough to plant my corn and plow it over.
Q And then you went and got her? A Yes, sir, she was down to Polly Vann's place and I took my ox wagon and went and got her.
Q What was Polly Vann's husband's name? A I don't know nothing about her husband; they always called it Polly Vann's place.
Q Did Polly Vann have any children of her own? A I don't know; I lived I guess maybe a mile from Gibson and I just heard of my children and went after them and when I went there they said it was Polly Vann's old place.
Q Didn't you see anybody there when you were there after your daughter? A I seen Ed Vann there.
Q Edmond Vann? A Yes, sir, I seen him there.
Q Is he alive? A Yes, sir.
Q Where is he? A He is right here, he can tell the all was there.
Q And then you brought her up there and she lived with you until she married? A Yes, sir.
Q Is that the way of it? A Yes, sir.
Q About how old was she then? A Oh, she was just a small girl she must have been about ten or 12 years old, maybe not that old.
Q Did she apply for Cherokee strip money five years ago?
A I guess I applied for her.
Q I mean when the Kerns-Clifton Commission was around here, did you apply for it yourself? A Yes, sir.
Q Did you apply or she? A She applied, they would not put her on the roll, we thought she was on there, but she was not at the time they came to pay the money out.
Q Were you a witness for her then? A Yes, sir.
Q Was it you say about five miles from Fort Gibson that you found her or in Fort Gibson? A About five miles from Fort Gibson, at Polly Vann's old place.
Q Where is that from this end of Illinois, on this side of the river? A You might call it kinda west and kinda north from Fort Gibson, Polly Vann's old place.
Q Do you know who lives there now? A No, sir, I lives too far from there.
Q You have been back there? A No, sir.
Q What is on this side of Grand river? A Between Grand river and Verdigris.

EDMOND VANN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name. A Edmond Vann.
Q How old are you? A 56.
Q What is your post office? A Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was raised in the Cherokee Nation.
Q Were you out during the war? A Yes, sir.
Q Where did you go? A I went south.
Q Did you go to Texas? A I went to the Chickasaw Nation.
Q What time did you come back to the Cherokee nation after the war?
A I came back in '65.
Q What time in '65? A Fall of '65.
Q Do you know this applicant here, Purgie Freeman? A Yes, sir.
Q Whose child is she? A Henry Walker's.
Q Did you know her mother? A Yes, sir.
Q What was her name? A Her name was Hannah.
Q Were they slaves in the Cherokee nation at the time you met them? A I guess so.
Q You don't know that of your own knowledge? A No, sir, I didn't see her here in the Cherokee Nation, I saw her mother.
Q Where did you see her? A At Webbers Falls.
Q In the Cherokee nation? A Yes, sir.
Q How old was she? A About 14 or 15, I guess; I didn't see her when she was born.
Q Did she live with [illegible]? A I don't know, I was there to see my child and I not take care.

Q How far is that from the Texas line? A They called it 60 miles from the Red river.
Q What was this woman's mother, Hannah, doing there at that time?
A I don't know, I just met her.
Q What is your first recollection of meeting this woman?
A Well, I met her in '66.
Q Where did you meet her? A At Gibson.
Q Who had charge of her? A Uncle Billy Melton.
Q And then what became of her? A Billy Melton sent word for me to come and get these two girls and fetch them up five miles this side of Gibson and send them to her father.
Q Why did he send you this word? A Because he was an old man and could not take care of them.
Q Were you any kin to them? A My wife was.
Q What kin was your wife? A Cousins.
Q What place were you living on then? A On the Polly Vann place.
Q Did you send word to this woman's father to come and get her?
A Yes, sir.
Q How long was it after that before he came? A I don't remember.
Q Was it shortly or long? A I can't tell you to tell the truth.
Q Do you remember anything about the father coming after her?
A Yes, sir, but I can't give what time it was; I know he came and got them.
Q Did you see him? A Yes, sir.
Q Who was Polly Vann, was she a white woman or colored woman?
A She was a Cherokee woman.
Q Did you belong to any of the Vanns? A I belonged to her.
Q How long did Henry Melton stay at the place when he came down there and got the child? A I can't tell you that.
Q Do you remember anything about the meeting you had with him at that time? A I know he came there; I can't tell anything about it more than he came and got the children.
Q That is all you remember? A Yes, sir.
Q Where have you lived since that time? A I have lived at Tahlequah.
Q All the time in the Cherokee nation? A All the time in the Cherokee nation.
Q Are you on the roll of 1880? A Yes, sir.
Q Were there any other of Henry Melton's children with you at that time? A Two of them, Ritter and Peggie.
Q Is Ritter dead or alive? A She is sitting right there.
By F. W. Hastings: Is his name Melton--Ritter? A Yes, sir, they call her Ritter Melton, Ritter Washington by marriage, but Melton was her father.
Q You don't remember what time in the year it was that you went to Fort Gibson and got them? A It was in '66.
Q I mean what time of the year? A I can't tell you that, it has been so long; if I had a chance to put it down I could remember it.
Q Why do you know it was in '66? A I know it was '66, I remember it was '66.
Q You don't seem to remember anything about the circumstances every that you just went? (No response.)
Q You don't remember what time of the year? A No, sir.
Q You don't remember how long they stayed over there with you?
A I can't tell you it has been so long.
Q Did they stay with you a good while? A They stayed there until their father came and got them.
Q Who was living with you then? A My wife.
Q Polly Vann was a Cherokee? A Yes, sir.
Q Did she have any children? A Yes, sir.
Q What are their names? A Jackson Vann, Willie Vann and Willie Vann and Maria Vann.
Q Are any of them alive? A No, sir, all dead.
Q Some of her relatives were living with her she had all of

Q Mrs. Vann hadn't come from the south yet, she was not on the place.
Q Wasn't any Cherokees living there? A Yes, sir, there was a Cherokee living there.
Q What was his name? A Mr. Rider Field.
Q Is he alive? A I don't know, I think he is dead.
Q Where was Billy Melton living when you went and get this woman in the town of Fort Gibson? A In the town of Fort Gibson, Fort Gibson.
Q He is dead now? A Yes, sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one grand-child: The applicant is 43 years of age; she is identified on the Wallace roll, but not upon the roll of 1880 or upon that of 1896, or upon the Kern-Clifton roll. Her father, Henry Melton, who testifies in the course of this application, is identified on the roll of 1880, and he has been listed for enrollment as a Cherokee Freedman on straight card #904. It appears from the testimony that the applicant's father and mother were married before the Civil war, and that neither was previously married, and that both of them were slaves of Cherokee citizens at the time of the breaking out of the war. The father went north and the mother of the applicant was taken south, where she continued to live until she died, presumably some five years ago. It further appears from the testimony that very soon after the close of the war, apparently the latter part of 1865 or the early part of 1866, the mother sent the applicant, then but a child, with one or two other children back to the Cherokee Nation to be taken care of by the applicant's father who, according to his own testimony, had taken up with another woman at the time he had gone north during the war. The father states that when the census taker in 1880 came to his house this child was married, and that he gave directions where her home could be found, that the census taker did not reach her home, and consequently she was not put upon the roll of 1880. It is claimed that they were enrolled on the Kern-Clifton roll, but that when the time of the payment arrived their names were not found thereon. Under the conditions stated it is quite apparent that the applicant through her father and the fact of her own enrollment in the Cherokee Nation at the time of the war, and from the further apparent fact of her having been brought back to the Cherokee Nation prior to the enactment of the treaty of 1866, is entitled to the benefits of Cherokee freedmen under that treaty. No reasonable doubt is entertained at this time and from the present testimony in regard to this being the rightful status of the applicant, but inasmuch as she is only identified upon one roll, she will have to be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of the testimony given, and the final decision of the Commission will be made known to the applicant at her post office address.

Her grandchild for whom she applies is Ethel Lynch, said to be not nine years of age and the child of the applicant's son, Henry Lynch, by another woman, presents a similar case. Said child's father has not yet applied for enrollment but is identified on the Wallace roll and he is presumably of the same status as his mother. The lawful marriage between this child's father and mother has not yet been clearly established. The applicant is required to supply the Commission with a certificate of the birth, and the child will

now be listed for enrollment as a Cherokee Freedman on a doubtful card to await further decision in regard to the rights of its father and proof of marriage between its father and mother. The final decision of the Commission in regard to this child will be made known to the applicant, who states the child has been given to her, at her post office address.

SUPPLEMENTAL to the above application:

PEGGIE FRANCIS, the applicant, re-called:

Q Was your son, George Lynch, ever married before he married this woman, Caroline Francis? A No, sir.
Q He was not? A No, sir.
Q Do you know whether this woman, Caroline Francis, was ever married before she married your son, George? A No, sir.
Q How long did you know her before she and your son, George, were married? A I raised her.
Q You stated I believe that she was a state woman? A Yes, sir.
Q Did you see them when they married? A They was not married.
Q They were not married by a preacher? A No, sir.
Q How long did they live together as man and wife? A Didn't live together at all.
Q They didn't claim each other as husband and wife? A No, sir.
Q They never kept house together? A No, sir.

SUPPLEMENTAL JUDGMENT: It appears from the further testimony that the relations maintained between George Lynch, the father of this child, and Caroline Francis, the mother, were not those of lawful marriage and that they were never in any manner united or recognized as husband and wife, nor did either of them ever profess that relationship together; therefore, under these conditions this child's mother being a state woman, no right of enrollment is conferred upon the child, and the application for the enrollment of this child is denied and it will be listed for enrollment as a Cherokee Freedman on a rejected card.

---oo0oo---

J. O. Hoover, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 24th of August, 1906.

[illegible]

Stenographer.

DEPARTMENT OF THE INTERIOR,
COMMISSION T THE FIVE CIVILIZED TRIBES
- EUFAUTA? I.T.? JUNE 19th, 1901.

I n the matter of thw application of Henry Carter for enrollment as a Cherokee Freedman; said Carter being sworn and examined by Commi ssioner T. B. Needles, testifi ed as follows:

Q What is your name? A Henry Carter.
Q How old are you? A 23.
Q What is your post office? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one else.
Q Have you been recognized by the Cherok e authorities as a Cherokee Freedman? A I guess I is.
Q Is your name on the roll of 1880? A No, si r.
Q Is it on any of the rolls of the Cherokee Nation? A Onne as I know of.
Q What one? A Wallace.
Q What was your father's name? A John Carter.
Q Is he living? A Yes, sir.
Q What is your mother's name.? A Peggie Francis.
Q Is she living? A Yes, sir.
Q Has John Carter been here to be enrolled yet, your father?
A No, sir, not as I know of.
Q Has your mother been here? A She enrolled at Chelsea.
Q What is her name now, Peggie Carter or Francis? A Francis.
Q Did she marry a man by the name of Francis since your father died? A My father isn't dead.
Q How did her name happen to be Francis? A She married after father and her separated.
Q Then she married a man named Francis? A Yes, sir.
APPLICANT: I been enrolled Henry Melton.
Q Did you draw what is known as Strip money? A No, sir.
Q Where were you born? A Coowescoowee District.
Q Have you lived in Coowescoowee District all your life?
A Yes, sir.
Q Are you married? A No, sir.

The 1880 Authenticat ed, the 1896 Census, and the Kern-Clifton Rolls of Freedmen of the Cherokee nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 124, #619, Henry Melton, Coowescoowee District.

COM'R NEEDLES: Applicant applies for the enrollment of himself. Upon examination of the rolls his name cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, upon which he is duly identified according to the page and number of the roll as indicated in the testimony. He avers that he is a son of John Carter and that his mother's name is Peggie Francis, Peggie Francis has been listed for enrollment on Doubtful card #[illegible] and the testimony taken in the matter of the application of Peggie Francis will be made part of the record in the case now under consideration and a copy thereof filed herewith.

The said Henry Carter having made satisfactory proof as to residence will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission. He will be notified at his post office address of the action of the Commission in the premises.

Henry Carter/s-m

J. C. Mason, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings in this case; and that the foregoing is a true and complete transcript of his stenographic notes as thereof.

[illegible]

Subscribed and sworn to before me this 1st day of July, 1901.

[illegible]

Commissioner.

Cher. Fr. D-763

Cher. Fr. D-763

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Ella Chambers for enrollment as a Cherokee Freedman; said Chambers being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Ella Chambers.
Q How old are you? A 23.
Q What is your post office address? A Nowata.
Q Do you live in Cooweescoowee District? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Grant Chambers.
Q Have you any children? A No, sir.
Q What is your father's name? A Al Smith.
Q Is he living? A I don't know, sir.
Q What is your mother's name? A Mintie Duffington.
Q Is your name on the roll of 1880? A Yes, sir, I guess so.
Q Where were you born? A Here over here on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q Your father's name was Al Smith? A Yes, sir.
Q Was he married to your ~~wife~~ mother? A Yes, sir.
Q Married to Mintie Duffington? A Yes, sir.
Q Is Mintie Duffington li vin ? A No, sir.
Q Did you ever have any sisters? A Yes, sir.
Q What are their names? A Eliza Rose.
Q Was she an own sister of yours? A Yes, sir.

HENRY HELTON, being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Henry Helton.
Q What is your age? A About 65 this last May.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Henry, You were a witness here yesterday for Eliza Rose that claimed she was a daughter of Mintie Duffgintem? A Well, she got two names, got two or three names I guess
Q Well, is Mintie Duffington dead? A Yes, sir.
Q The mother of this applicant? A Yes, sir, she is dead.
Q Well, how long had you known Mintie Duffington? A I knowed her ever since she was a little bitty girl at Mr. Duffington's, close to Mr. Bryant's there.
Q Close to Joel Bryant's? A Yes, sir and I lived close to Cicero Tunnel nghbm.
Q Where did she live? A Close to Grand river.
Q On this side? A Up north.
Q How far from Chouteau? A I don't know.
Q How far from Pryor Creek? A East of Pryor Creek.
Q Well, now, did you know Mintie Duffington before the war?
A She was nighhm but a child, one cant ee.th.
Q Well, did you know her? A No, sir.
Q You know her only since the war? A Knowed her in her growing up.
Q Now, Henry, I want to be positive on the question of her age. Now, Henry, I want to be positive on the question of her age. Now, Henry, I want to be positive on the question of her age.

Ella Chambers, cont.

Q She was about six or seven years of age? A Yes, sir.
Q You didn't know her before the war? A No, sir; I lived over
ent to Bird Creek.
Q Well, now, what Mr. Duffington brought her up here from the
South? A Big Ellis Duffington; oh, I have been to his house.
Q Did you know Mint Duffington's mother? A No, sir.
Q You don't know her relatives? A I don't know them at all.
Q Now, you know that this applicant here is a daughter of old Mint
Duffington? A Yes, sir.
Q And she is a sister to Elisa Rose that was here and who claimed
that her father was named Wash Marshall? A Yes, sir.

BY COURT REPORTER:

Q Well, do you know whether Mint Duffington was a slave or not?
A Yes, sir, she was a slave of Ellis Duffington.

L. B. BELL, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your full name? A L. B. Bell.
Q Your age? A 62.
Q You are a Cherokee citizen? A Cherokee citizen.

BY MR. MATTHEWS:

Q Just go ahead and tell what you know about this Minta Duffington?
A Well, the Duffington was a Freedman born in Alabama and
raised there until I she was two or three years old and brought to
Texas and kept there until 1867, and belonged to James W. Ivey;
Ivey was a brother-in-law of mine. Her mother died and she was
left there and William Duffington's wife took her for a girl about
the house; and when we moved out here in 1867 they brought her
along.

BY COURT REPORTER:

Q From where? A From Texas, Burnell County.
Q She was a slave of one James W. Ivey? A Yes, sir.
Q Was he a Cherokee citizen? A No, sir.
Q He was a resident of the state of Texas? A Yes, sir; and he
died here and she about ten years trying to be to be a citizen
on a card and never got to be. He never was up here himself until
out of the war.
Q That is the Mint Duffington that is on the roll? A Yes, sir.
She was about 12 or 13 years old at that time.

BY MR. MATTHEWS:

Q She was never here in the nation at all until after the war?
A No, sir; she was not here until so long, [illegible] whose children were
all born here because she had 9 children when she came.

Ella Chambers, the applicant, recalled:

BY COURT REPORTER:

Q Did you ever marry? A Yes, sir.

[illegible]

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 70, #299, Mit Buffington, Cooweescoowee District.

Q You are now married to Grant Chambers? A Yes, sir.
Q You have always lived in the Cherokee Nation since you can recollect? A Yes, sir.
Q Living here now? A Yes, sir.

COM'R NEEDLES: Ella Chambers applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896. She is full identified upon the Kern-Clifton roll. She avers that she is now married to one Grant Chambers, a citizen. She avers that she is the child of Mintie Buffington by her husband, Al Smith. The name of Minitie Buffington is found upon the authenticated roll of 1880 according to the age and number of the roll as indicated in the testimony. She avers that she is a sister of Eliza Rose who is duly identified upon the authenticated roll of 1880 and who has been enrolled on straight card #1026. By reason of the fact that the said Ella Chamber's name does not appear upon the authenticated roll of 1880 and the facts set forth in the testimony more particularly the testimony of L. B. Bell, the said Ella Chambers will now be listed for enrollment as a Cherokee Freedman upon a doub ful card awaiting further consideration of the Commission. She will be duly notified by mail of the decision of the Commission in the premises.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 1st day of July, 1901.

Commissioner.

Cherokee Freedmen D 763

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ella Chambers for enrollment as a Cherokee Freedman!

DECISION

The record in this case shows that, on June 19, 1901, Ella Chambers appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that the applicant, Ella Chambers, nee Buffington, has been born since 1866 and is the daughter of one Nit Buffington, who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored.

The evidence further shows that the said Ella Chambers has continuously resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Ella Chambers should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby
Commissioner.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

W. T. Stanley
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1902

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R-765.

Muskogee, Indian Territory, July 17, 1908.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, granting the application of Ella Chambers for the enrollment of herself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. R-92.

Cher. Fr. D-764

Cher. Fr. D-764

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Mary Hudson for enrollment as a Cherokee Freedman; said Hudson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Eaton.
Q How old are you, Mary? A I don't know my age.
Q Well, about how old? A About 50 I guess.
Q What is your post office? A Centralia.
Q What district do you live in? A In Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three boys, children is all I have got.
Q Are they under age? A No, sir, they are of age.
Q All over age? A Yes, sir.
Q All over 21? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Wallace roll and Clifton roll.
Q Are you married? A I ain't now, I have been.
Q What was your husband's name? A My last husband?
Q Yes. A His name was Peter Hudson.
Q Are you Peter Hudson's wife now? A No, sir.
Q Q Is Peter Hudson living? A Yes, sir, but we don't live together.
Q Did you draw this strip money while you were married to Peter Hudson? A Drawed money?
Q Dd you draw strip money? A Yes, sir, drawed the Wallace money.
Q That is all the money you ever drew? A Yes, sir.
Q Under what name did you draw it? A Hudson.

The 1880 Authenticated, the 1896 Census and The Kern-Clifton Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2441, Mary Hudson, Coowescoowee District.

Q Well, you haven't been married to anybody since you left Hudson?
A No, sir.
Q Well, your name is Mary Eaton? A Yes, sir, by my husband; but I thought you was asking me about my owners.
Q Now, Mary, were you a slave? A Yes, sir.
Q To whom did you belong? A Sarah Eaton.
Q Was she a Cherokee citizen, Indian by blood? A Yes, sir.
Q Where were you born? A I was born back in the old Nation.
Q When did you come to the Cherokee Nation the first time?
A Why, it was, I was small when they came, I was a baby, but I have heard my old Mistress say that they came on old Settlers.
Q You came along with your old Mistress when she came?
A Yes, sir.
Q Now, then, did you go out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where did you go to? A I went south.
Q How far South? A I was down down there.
Q Where to, Texas? A Yes, sir, down there about Denison.
Q In the Chickasaw Nation? A Yes, sir.
Q Well, when did you come back? A I came back in '65.
Q Who did you come with? A [illegible] with my Mistress [illegible] [illegible] good many of them died [illegible] I don't remember [illegible] many.

Q Where did you come f o? A I come, when I came there; up in there I came to Fort Gibson.
Q You come when you come from Roggy Depot down there in the Choctaw Nation you came to Fort Gibson? A Yes, sir.
Q Well have you been living in the Cherokee Nation ever since that time? A Yes, sir.
Q Fort Gibson is in the Cherokee Nation is it? A Yes, sir.
Q Well, did you marry after that? A Yes, sir.
Q Whom to? A Peter Hudson.
Q Was Hudson the only man y ou were ever married to?
A No, sir, my first husband that I have got his name was John Beason.
Q Where did you marry John? A I married him down south.
Q That was during the war? A No, sir, just after the war.
Q You married him before you came back to the Cherokee Nation?
A Yes, sir.
Q Did he come with you? A Yes, sir.
Q Is he living? A I don't know, sir.
Q Wel,, who did you marry after that? A Peter Hudson.
Q ~~Have you married~~ Have you married anybody sine e you married Peter? A No, sir.
Q Just had two husband's ? A Yes, sir.
Q Peter and you separated? A Yes, sir.
Q He has married again? A Yes, sir.
Q Have you got an y witnesses here? A Yes, sir.
Q Who? A I got Mr. Grimmett and Abe Nair.

BY MR. J. S. DAVENPORT Cherokee Representative:

Q Mary, where were you living when you can first recollect?
A I lived in Seing Snake District.
Q Whom were you living with at that time? A I was living with Susie Ream.
Q Well, did you ever live with any of the Hilderbrands? A Yes, sir, I lived up there at Hilderbrand's Mill with one of her daughters.
Q Now, Hilderbrands didn't go south with you when you went south?
A No, sir, I was sent south.
Q Did you ever know a man by the name of Aldridge that lived south down in Texas? (No response.)
Q This was js st before the war broke out, a shor t time before the war broke out; he lived somewhere about Grayson County, Texas?
A I don't know.
Q Well, did you know any Ezekiel Beck in the Cherokee Nation?
A Yes, sir.
Q Did you know that Ezekiel Beck had something to do with the winding up of the Hilderbrand Estate? A No, sir.
Q Don't you remember that Ezekiel Beck sold you to a man by the name of Aldridge and you were carried off to the Stat e of Texas before the war broke out? A No, sir.
Q Did you know a man by the name of J. W. Ellis; he married Emma Yahen, a relative of the family here, Joshua Ellis?
(No response.
Q Did you know a that man Joshua Ellis? A I disremember.
Q Well, did you ever live with a man or have anybody in Texas by the name of John Beason, as your husband in the Cherokee Nation?
A Yes, sir.
Q Well, now, I will ask you if you and John Beason didn't come to this country and weren't y ou brought here by J. W. Ellis?
A N o, sir.
Q Didn't you come with J. W. Ellis when he came to this country?
A I don't know the man, sir.

Q Didn't you come with a man by the name of Ellis?
A I don't know his name; I am telling you the truth.
Q Did you come with a white man to the Cherokee Nation back from Texas when you and John Beeson came? A Yes, sir.
Q John Beeson came with you? A Yes, sir.
Q You had three children at the time? A Yes, sir.
Q Do you know about how old they were? A No, sir, I don't.
Q Well, now, did you and John Beeson have any children bornat the breaking out of the war? A I had one.
Q Well, now, you remember living in Texas, don't you; where was that child born that you had born at the breaking out of the war?
A He was born down there.
Q Down where, Texas? A Do un south, I don't know whether it was Texas.
Q You knew when you lived in Texas? A I recollect it.
Q You remember you lived in Texas, whether it was Grayson County or not? A I don't know what county it was.
Q You don't know what town you lived near ? A No, sir.
Q Don't know where you got your mail? A No, sir.
Q You knew that you and Beeson were living together as husband and wife when you came to the Cherokee Nation? A Yes, sir.
Q And you were living with some white man when you came back to the Cherokee Nation? A Yes, sir.
Q That was about the year 1871? A I don't know.
Q That was the first time you had been back to the Cherokee Nation, the time you came with Beeson and the white man? A I disremember, that has been a long time and I don't rece,lect; they told me it was '66, I don't know anything about it.
Q Have you ever made more than one tri p from Texas up the Cherokee Nation since the war? A (No response.)
Q Since you came up with that white man ME have you ever gone back after that? A No, sir.

BY CON'R MEEKELES:

Q Now, Mary you were married to John Beeson down there down south?
A Yes sir.
Q Well, you were brown of course w hen you married him?
A Yes, sir.
Q Now, don't you recollect whether that was in Texas or not; recollect whether that was in the state or Texas? A Well give me a little time, let me think back; I recollect I was in a place where Texas, but I don't recollect the County.
Q Was there where you were married to Beeson? A Yes, sir, I had him there.
Q Well, now, when you came up here to the Cherokee Nation the first time did you ever go back there? A No, sir.
Q You only came up once? A Yes, sir.

BY MR. DAVENPORT:

Q Mary, did you know the the man's wife that came with you from Texas was before she was married? A No, sir.
Q You didn't know that she was Amanda Franklin Alberty before she was married? A No, sir.
Q And that she had a sister to Fanny Mason? A No, sir.
Q Didn't you know that the man wife that came back with you from Texas was Franklin Alberty, a sister to Fanny Mason to whom you formerly belonged? A I don't know, no, sir.

BY CON'R MEEKELES

Q You did come back with a white man did you, in 66 Mary? A I don't recollect what his name was? A Yes, sir.
Q Was he married? A Yes, sir.
Q Did he leave Texas? A Yes, sir; he was only staying one out (

wanted to come and had wanted to come and I had no way to come, and this man was going, he said where he lived and said he was coming and John Beason got him to bring me.
Q Did John come with you? A Yes, sir.
Q Is John Dead? A I don't know.

ABRAHAM HAIR, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Mr. Hair, what is your name? A Abraham Hair.
Q Your post office? A Wimer.
Q How old are you, Mr. Hair? A About 777 years old.
Q Are you a Cherokee Freedman? A Claim to be, sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Do you know Mary Hudson, the applicant here, or Mary Eaton?
A Yes, sir.
Q How long have you known her? A Well, I guess about 20 years or more.
Q Did you know her before the war between the North and South?
A No, sir, I knowed her mother.
Q What was her mother's name? A Rachel Eaton.
Q Where did her mother live? A Lived on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether Mary Eaton here was a slave or not?
A Yes, sir.
Q To whom did she belong? A Belonged to Susie Eaton.
Q She was a Cherokee Citizen? A Yes, sir.
Q Well, did Mary go out of the Cherokee Nation during the war?
A Yes, sir.
Q Where did she go to? A Went to Texas.
Q Were did you first see her after the war? A After the war?
Q Yes? A First saw her on Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q What year was that, do you know? A Winter of '66.
Q Winter of 1866? A Yes, sir.
Q When she she with whom you saw her? A She was living there with some of her acquaintances, her man had about [illegible] left her.
Q Her husband had left Sherrd A Yes, sir.
Q Who was he? A John Beason.
Q Did you know John Beason? A No, sir.
Q Didn't know John Beason? A No, sir.
Q He left her there on Lightning Creek? A Yes, sir.
Q How do you know that was '66? A Only the what [illegible] I all I had.
Q Who made the statement? A Jim [illegible] there.
Q Said it was '66? A Winter of '66.
Q Did you go out of the Cherokee nation during the war?
A Yes, sir.
Q Where did you go to? A Well I went out with the soldiers, I went to Springfield, Missouri and from Missouri to Kansas, and from Kansas back here and backwards and forwards a, and down this road.
Q What time did you land back here? A Well I was here the whole time.
Q During the whole of the war? A Yes, sir.
Q And you are confident you saw Mary Eaton here in 1866 on Lightning Creek? A Yes, sir.
Q You know her father you said? A Yes, sir.
Q Jack and Lucy Eaton? A Yes.
Q Her she a slave? A Yes, sir.
Q To whom did she belong? A She belonged to Eaton.
Q Did her mother come out of the Cherokee Nation during the war, you know? A Yes I don't know, I have got that back.

Mary Nelson--cf.

Q How do you know that Mary was taken to Texas? A Well, she told me.
Q Have you known her ever since that? A Yes, sir.
Q Was she always living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Did you know of her going back to Texas after the war?
A No, sir.

BY MR. DAVENPORT:

Q You didn't know her at all before the war, did you?
A Not this woman.
Q How did you know to whom she belonged to? A Her mother told me.
Q I am not asking you what she told you, how do you don't know it of your own knowledge? A No, sir.

BY COM'R MERRILL:

Q You say you didn't know Mary before the war? A Knowed her mother.
Q And you didn't know her? A No, sir.

BY MR. DAVENPORT:

Q You don't know whether Mary was living with her mother at the breaking out of the war or not? A No, sir, she was living with her owner her mother said.
Q I am not asking you about what her mother said; her mother isn't living now? A No, sir.
Q Did you never see Mary on Lightning Creek in 1866? A I saw her in '66, winter of '66.
Q You know when '66 came? A No, sir.
Q Now on what party of Lightning Creek did you know her? A Ransom Daniels'.
Q Don't you know that Ransom Daniels didn't live there in 1866?
A No, sir.
Q Don't you know that Ransom Daniels didn't move from Grand river over there? A No, sir.
Q Now, then it was after Ransom Daniels moved from Grand river over there? A Yes, sir.
Q You know who her husband was? A No, sir.
Q You know John Ransom? A No, sir.
Q When you first saw her how many children had she? A Well, she had all she has got now, I can forget how many there is, she had four or five children.

Mary Nelson, the applicant, recalled:
BY COM'R MERRILL:

Q How many children you got living now? A Seven.
Q What are their names? A Yo Dilen and I can get the others for you in Muskogee and be proper.
Q They are all living? A Yes, sir.

Mary Nelson, being sworn and examined by Commissioner B. S. Merrill, testified as follows:

Q What is your name? A Mai Or Nelson.
Q What is your age and address? A I am about 40 or 45.
Q What is your post office? A Muskogee.
Q Are you a citizen and member of the Cherokee Nation? A Yes, sir.
Q Are you the [illegible] of Mary? A Yes, sir.
Q Are you the same Mary Nelson whose name is on the roll of Cherokee freedmen, Dawes Commission, [illegible]?
A Yes, sir.
Q Have you ever been married? A Well, I have been married two times.
Q How many children have you had? A [illegible]

been kn owing her all the time.
Q Well, did you know her before the war between the Nor th and South ? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Eaton.
Q Was he a Cherokee citizen? A Yes, sir.
Q D id you know her mother? A Yes, I have seen her.
Q Did you know her mother's know n name? A No, I didn't kn ow her but I have seed her.
Q Where did Eaton li ve before the war? A Lived in Going Snake.
Q Well do you know whether Mary Beeson was taken out of the Cherokee Natio n before the war? A No, I don't know that, but she was taken out though.
Q You heard she was taken out? A Yes, sir.
Q You don't know where to? A Texas.
Q Do toy know whether she was ever m arri ed or not?
A Yes, she married Hudson.
Q Well do you know whether she was ever married before she married Hudson? A Well I have heard of it.
Q Did you know a man by the name of John Beeson? A Yes, sir.
Q Repu ted to be her husband? A That is whatit was sai d.
Q Well, now when was the first time you saw Mary in after the war between the north and south? A The fi rst ti me I seen her I seen her to her daddy's, Ji m Beck at Fort Gi bson.
Q Wh en was that ? A Well it was in the summer somewhere in the spring of '66.
Q Was her father's name Jim Beck? A Yes, sir.
Q You saw her at Fort Gibson in the summer of '66?
A Yes, sir.
Q You knew her before the war did you? A Yes, si r.
Q Well now when you saw her in '66 did you know her an d recogni ze her? A Yes, si r .
Q Who was she with? A Well she was there to her daddy's, I don't know who she was wi th.
Q Was her daddy livi ng there? A Yes, he was li ving there.
Q In a house? A Yes, si r.
Q Well, have you known Mary since that time? A Yes, sir.
Q Has she lived to your knowledge in the Cherokee Nation ever since '66? A Yes, si r.
Q How did you know that it was '66, Ben? A Well the reason I know i t, when I see people just after I come I know what time I c m come and pretty soon I seen her.
Q You know that you had come here in 1866? A Yes, si r.
Q You didn't know anything about her while she was in the State of Texas? A No, si r.
Q Don't kn ow who took her to the state of Texas? A No, sir.

BY MR. DAVENPORT:

Q You don't know when she went to Texas either do you Ben?
A No, sir.
Q You don't know where she was living when the war broke out do you? A She was living in Going Sn ake.
Q Did you kn o w that of your own knowledge?
A She was li vi ng there.
Q Well, I want you to say whether she was or was not positively of your o wn knowledge in Going Snake District ?
A Well, she was there at the beginning of the war as I have been, I used to see her along, they was running the colored people up.
Q How far did you live from Gha before the war?
A I guess I lived about 12 miles I guess or maybe further.
Q Where were you living? A I lived in Texas.
Q In what place? A Bill Grumbly, where Bailey's go.

Q What Grimmett? A Billy Grimmett.
Q Did you ever know a man by the name of Ezekial Beck?
A Yes, sir.
Q He lived up there in that country didn't he?
A Not as I know of, that Beck.
Q Well, did you ever know a man by the name of Hilderbrand, Avra or such a name? A Yes, sir, I have heard of them.
Q Now, this woman belonged to that estabe at one time didn't she?
A I could not tell you that.
Q W ell who did she belong to when you first saw her?
A Eaton.
Q What one of the Eatons? A I cou ld not tell that, she went by the name of them.
Q She belonged to Susie Eaton didn't she? A I guess ehd did.
Q That was sometime before the war broke out wasn't it?
A Yes, si r.
Q Now, you never knew anything of this woman from the time the war broke out until y ou saw her at Fort Gibson? A No, si r.
Q When you saw her at Fort Gibson did she had any children?
A I could not tell that so many colored people there.
Q You had a talk with her there about where she had been?
A No, sir, I never asked her.
Q Did she have a husband at that time? A She must have.
Q I am asking you what you know about it? A I tell you the fact about it, I see a good many people coming ~~and~~ x in and we shake hands and didn't talk at all.
Q You could be mistaken that it was in 1866?
A No, I know I come in the spring of '66 and I thinks that about when I see anybody in side of the spring of '66 that is what I go by.
Q Well, now did you ever know Joshua W. Ellis, before the war?
A No, sir.
Q Ad you don't know where this applicant went of your own knowledge? A No, sir.
Q When was the next time you saw her after you calim to have seen her at Fort Gibson? A Well I tell you after that when I seed her I seed her on Big Creek.
Q Well, how long was it after you saw her at Fort Gibson until you saw her on Big Creek? A I could not say that for certain:
Q Well, was it five years, six years, about how long?
A About a year I guess or may be longer.
Q The fact is you don't know much about this case do you, Mom?
A Not a great deal.
Q You just wanted to fix it as '66 you saw her down there at Fort Gibson? A Yes, sir.
Q All you were driving at was that you saw her down here in '66? A Yes, sir.
Q Now, you know that she was sold to a man by the name of Aldridge before the war didn't you? A No, sir.
Q You don't know who she belonged to before the war do you?
A No, sir.
Q And you don't know whether she was in the Cherokee Nati on at the breaking out of the war or not did you? A I don't know.
Q Now, you are the fellow that has had some trouble down here at Tahlequah about the courts? A I could not tell you that; that is a thing I won't know or.

BY COURT'S KOMMISSIONER:

Q Now, Mr. Grimmett, you know the owner of Mary Hudson?
A Yes, si r.
Q Did you know his slaves at that time? A She was a slave at the time.
Q Did she have other slaves? A Had a good many.

BY MR. DAVENPORT:

Q Can you remember the names of any other slaves he owned but this woman? A No, I don't know anything about it.
Q How does it happen that you just remember this woman and don't remember any other ones of them? A I remember her, but I don't know it was so long, I don't keep account, don't hardly know my own children.

MARY HUDSON, the Applicant, recalled:
BY MR. DAVENPORT:

Q Mary, which is your eldest child? A Mariah.
Q Where was Mariah born? A She was born down south.
Q In Texas, Arkansas or where? A In Texas.
Q What was the next one? A These two children, do you want all of the children? A
Q All of them I want to get their ages as near as I can?
A Well you can get their ages if you will look on the Wallace roll.
Q I would rather take your word for it than the Wallace roll?
A I don't know their ages.
Q The next one after Mariah where she is born and its name?
A Well, now, I can't tell you, it was born south.
Q What is its name? A Jonathan Augustus.
Q He was born south? A Yes, sir.
Q Now, which is the next name to John? A Elizabeth.
Q Where was she born? Z Down South.
Q Well where was William born? A I forget.
Q I s the next one to Willi m Jess? A No I had one next to Jess named Susan and she died and Susan came next.
Q Where were you living when Susan was born? A I was living on Bi g Creek.
Q Where was Jess born? A Jess was born in Going Snake.
Q Before or after the war? A After the wr , all of them was born since peace.

BY COM'R KENDLNS:

Q You say, Auntie, all of y our children were born since peace?
A Yes, sir.
Q But three of the oldest ones were born when you lived down south that was in the state of Texas? A I don't know what state it was.
Q You never lived in but one place down south did you?
A No, si r.
Q And they called it Texas? A Yes, sir.
Q All d your three oldest children were born there? A Yes, sir, not far from Red River; you know there is an Indian Nation now, what do you call that?
Q Choctaw Nation. A Born not far from that on the south side of the Red River.

BY MR. W. W. HASTINGS: Cherokee Representatives:

Q I would like if you can be positive there was Willie born?
A I can't think of it.
Q Do you know how old Jess is? A No, sir, I can't tell my children from 1 up. I don't keep no account of anything like that.
Q How many children did you have? A I had one from Texas when you came back after the war? A I think it was two, I think.
Q Who died down there? A Oh, one, one died down on Big Creek, just before Jo William, and there it was dead.
Q Don't remember? Did you ever have any by Joe Jessup?
A No, sir. [illegible]

Mary Hudson.--D.

COM'R MERRILL: Mary Hudson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1880 or the Kern-Clifton pay roll, but is identified upon the Wallace roll according to the page and number of the roll as indicated in the testimony. She avers that she was a slave and that she returned to the Cherokee nation in the year 1867. Reference is made to the testimony. She makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting further consideration of the Commission. The final decision of the Commission will be made known to her by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in this this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 1st day of July, 1901.

Commissioner.

Supplemental, D-764, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Mary Hudson et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Applicant present in person.
J. S. Davenport, of counsel for Cherokee Nation.

Lucy Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lucy Hill.
Q What is your age? A I guess I am about 50 years old.
Q What is your post office? A Nowata.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Do you know MaryHudson? A Yes, sir, she is my sister.
Q Was she a slave before the war between the north and south?
A Yes, sir.
Q To whom did she belong? A She belonged to the Batens.
Q Did you and her belong to the same family? A No, sir, I belonged to the Becks.
Q Did she go out of the Cherokee Nation during the war or before that time? A Yes, sir.
Q Where did she go? A I can't tell, but she went south.
Q You don't know whether she went into the State of Texas or not?
A No, sir, I don't know whether she did or not? A Did you ever hear? A I heard of her on Red River.
Q On which side of Red River? A This side of Red River.
Q When did she return to the Cherokee Nation? A I can't tell just when she returned.
Q When did you see her? A I seen her on Big Creek, about 25 years ago, I guess, or more.
Q Is that the first time you saw her after the war? A Yes, sir that was the first time I seen her, but then I heard of her being here often.
Q That was the first time you saw her after the war? A Yes, sir.
Q About 25 years ago on Big Creek? A Yes, sir.
Mr. Davenport: You don't know what time she went out before the war, do you, or whether she was in the country when the war began?
A Yes, sir, I saw her in the Nation time of the war, her mother and mine went to Texas together.
Q I am talking about this applicant: was she in the Cherokee Nation at the breaking out of the war? A Yes, sir, I think she was.
Q I want you to be positive? A I most know she was.
Q You don't really know where she was at the breaking of the war?
A I saw her at home at the breaking out of the war, where my father was.
Q At whose place was she at the breaking out of the war? A At the time we were getting ready to leave, I seen Mary at Becks old place, in 7 or 8 miles of Kilbourne Kilbourne's Mill.
Q She at one time belonged to the Kilbourne estate? A I don't know whose she belonged to only just the estate.
Q Did you ever know a man named Martial Hunt? A Yes, sir.
Q Don't you know how Hunt sold her to a man named Aldridge who took her to Sherman, County, Texas, long before the war broke out?
A I don't know, sir, about that.
Q You don't remember anything about that? A No, sir.
Q Did you ever know a Jackson W. White? A No, sir.

Mary Hudson - Dr.

Q. Other than you can remember, do anybody else claim to have been here? I have heard of them, but I don't know them.
Q. You don't remember anything about them? A. No, sir.

Examination

Attest: W. Jones, being duly sworn, says that he stenographically the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of said proceedings, to the best of his knowledge and belief.

[illegible]

Sworn to and subscribed before me this the 26th of July, 1906.

[illegible]

[illegible]

Supl.C.F.D.#[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., OCTOBER 23d, 1902.

SUPPLEMENTAL TESTIMONY in support of the application of MARY HUDSON for a Cherokee Freedman enrollment on part of the Cherokee Nation.

APPEARANCES:
Mr. A. C. [illegible], Attorney for applicant.
Mr. Davenport, of Counsel for Cherokee Nation.

ZEKE BUCK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A. Zeke Buck.
Q. Where do you live, Mr. Buck? A. I live at Long Prairie, Delaware district.
Q. What is your post office? A. Kansas, I. T.
Q. How old are you? A. I am about 66th year.
Q. How long have you lived in the Cherokee Nation, Mr. Buck? A. All my life; that is, I was born in Georgia.
Q. And you were born with the Cherokees, did you? A. Yes, sir.
Q. Do you know Mary Hudson, or did you formerly know Mary Brown, or Mary Batchf, the applicant in this case? A. I know one Mary Robbins.
Q. When did you know her first? A. Well, sir, I could not say.
Q. I have known her ever since I knew anybody nearly.
Q. Well, to whom did she belong at the time you knew her? A. She was once belonged to my grandmother.
Q. She was what? A. Slave Nation.
Q. Well, who did she afterwards belong to? A. Mary Walterbrand.
Q. Who did Mary Walterbrand live? A. She lived in Cherokee Nation.
Q. What became of the applicant, Mr. Buck? A. She married out of Mary Walterbrand's possession. Just state what you know about it please? A. Mary Walterbrand died and I administered to the estate and sold her out.
Q. What did you do? A. I sold Mary Walterbrand out to Mrs. I sold her.
Q. To whom did you sell her? A. I sold her to a man by the name of Alfred.
Q. Where did Alfred live, Mr. Buck? A. He used to live in Texas but I don't remember.
Q. Do you know what became of Alfred? A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible]

Q Now, did you know of your own knowledge he lived in Texas?
A No, I didn't, only what he told me.
Q Now, do you know of your own knowledge that the Mary Hudson that has applied for enrollment here before this commission is the same Mary that you sold in 1859? A I do not, I haven't seen her.
Q Would you know that same girl that you sold in 1859 if you would see her? A I don't know whether I would or not, it has been a long time.
Q Have you ever seen this Mary that you sold in 1859 in the Cherokee Nation since you sold her? A No, sir.
Q And you are positive that this Mary that you sold to Mr. Aldred, that he carried her to the state of Texas? A He carried her off of my place.
Q You don't know whether he carried her out of the Cherokee Nation or not? A No, sir.
Q Or do you know whether he sold her to any citizen of the Cherokee Nation? A No, sir.

COM'R HEEDICK: Did you know Susie Eaton? A Yes, sir.
Q Who was she? A She was my grandmother.
Q She was a Cherokee citizen? A Yes, sir.
Q Did she own this girl? A Yes, sir.
Q She was the woman whose estate you administered on? A No, sir, that was her daughter, Mary.

MR. DAVENPORT: Did she have more than one girl named Mary?
A No, sir.

COM'R HEEDICK: You say you don't know what he did with her after you sold her? A No, sir.
Q You don't know whether he paid her or not? A No, sir.

J. W. ALBERTY, being duly sworn by Commissioner Heedick, testified as follows:

MR. DAVENPORT: What is your name? A J. W. Alberty is the way I sign it.
Q Where do you live, Mr. Alberty? A I live in Goingsnake district.
Q How old are you? A 67 years old.
Q Did you ever know a colored woman, or girl, by the name of Mary Eaton? A Yes, sir.
Q Did you ever know her by any other name, or you just know her by Mary Eaton? A Yes, she was in the division of the property, she went to Amy Holterbrand.
Q When was that, before or after the war? A Before the war.
Q Well, do you know where she was at the breaking out of the war, Mr. Alberty? A Well, no, I could not say where she was at the breaking out of the war; she was not in our country or anywhere near about that.
Q You spoke of a division of property, what did you mean by division of property, division of what property is all I want to know?
A Of the Ashley property.
Q Of whose property? A Susie Eaton.
Q And the daughter, she went to Amy Holterbrand? A Yes, sir.
Q Well, have you ever seen Mary Hudson, or whatever her name may be, since the war? A Yes, sir.
Q What was her name, if you knew by that name she was known this you saw her after the war? A Mary Hudson.
Q Do you know whether she had a husband after the war? A Yes, sir.
Q What was his name? A John Hudson.
Q Where did you first see her after the war? A The first I saw of her, I met up with [illegible] and have [illegible] and [illegible] and [illegible] and

before she was married to a man by the name of Beeson, and he brought her up to our neighborhood and lived there three or four years.
Q That is the Beeson family or Mr. Ellis? A No, the Beeson family.
Q Did they have any children? A I think they had one or two, I don't recollect.
Q Now, when was that as near as you can tell, that you met Mr. Ellis? A It was in '72.
Q That was Mr. Ellis' first name? A J. W. Ellis.
Q Do you know his given name? A Josh Ellis.
MR. McKEA: Mr. Alberty, when was it you say you first became acquainted with Mary Hudson? A Well, I don't know her by that name at all.
Q Mary Eaton? A Mary Eaton; well in, I first become acquainted with her, it must have been about 1847 or '6, '41 or '2, when I was just a boy, she was raised in the neighborhood right where I was and I was raised in the neighborhood right where she was.
Q Was she a grown woman in 1847? A No, sir, she wasn't near grown when I first knew her.
Q Did I understand you to say that you knew of her having been sold before the war? A No, sir.
Q That did you say became of her during the war? A Well, she was in the division of what I call the property, she went to Ary Helterbrand; she was willed from Susie Eaton to Ary Helterbrand.
Q Willed from Susie Eaton to Ary Helterbrand? A Yes, sir, Susie Eaton was Ary Helterbrand's daughter.
Q That was Susie Eaton's citizenship? A She was a Cherokee.
Q Was Ary Helterbrand a Cherokee? A Yes, sir.
Q Well, do you know what became of her after she went out of the hands of Ary Helterbrand? A No, sir, only what I heard.
Q When did the division of the estate-? A Well, sir, it was in about '56.
Q How long after the division of the estate did Mrs. Sarah Helterbrand die? A Well, short time, it wasn't very long.
Q About the same year? A No, sir, only a short time, it was in '57 I guess.
Q Well, do you know who was the administrator of the estate after her death? A Yes, sir.
Q Who? A Rome Beck.
Q Well, was Mary, the applicant, still the property of the estate of Mrs. Helterbrand then, when Mr. Beck became administrator of the estate? A Yes, sir, I saw the advertisement, he made an advertisement to make a division of the estate.
Q After Mr. Beck became administrator of the estate you don't know what became of Mary? A No, sir, I saw he had her advertised for sale.
Q You don't know whether any sale took place? A No, sir, I guess there did, I never saw her any more.
Q That is your knowledge of it? A Yes, sir.
Q Now, where was it you first saw her after that in 1898?
A Well, you want me to tell the particular place?
Q Yes, sir. A Well, I met them on the road, we went to Gallatin the post office road, from below my house about six or eight miles and he was coming in from home and he was very familiar and he believed to know if I knew these people.
Q Now, do you know where Mary is the one he spoke? A No.
Q Do you know where she was in 1898? A Yes.
Q Where? A She was right there in Stewart County Stewart County.
Q Now, what did you do then, do you know where she was?
A No, I don't know.
Q Did you know where she was in 1900? A No, sir.
Q Well, when I say that in the Cherokee Nation where Mary was, I say that she was right there, she was living right there in Stewart County for many years after I first saw her, lived there long as I knew.
A Mr. Alberty, have you ever been arrested for stealing? A [illegible]

J. W. ELLIS, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Ellis.

Q Where do you live, Mr. Ellis? A I live out here about ten miles on the Coffeville road.

Q What is your is your post office? A Vinita.

Q How old are you? A I am 77 years old.

Q Where were you living at the breaking out of the Civil war, Mr. Ellis? A I was living in Missouri.

Q Did you go south during the war? A Yes, sir.

Q To what state did you go? A I went into Wood County.

Q What state? A Texas.

Q How long did you reside in Texas after the war, Mr. Ellis?

A Well, let me see, I came back to Fayetteville, Arkansas, in '68, I think, sir, as well as I recollect.

Q Did you ever return to Texas after that time? A Yes, sir, sever al times.Q While you were in Texas or back and forth to Arkansas and Texas did you get acquainted with a colored family by the name of Beeson? A I did, sir.

Q Do you remember the husband's name? A John Beeson.

Q What was his wife's name? A I think he called her Mary as well as I recollect.

Q Where were they living when you first got acquainted with them, Mr. Ellis? A When I first got acquainted with John Beeson he was at the Salt works — [illegible], but his wife I never got acqu inted with her until 1871 or '2, when I returned from Texas and I met John and he had this woman with him and he wanted me to bring her back to Arkansas.

Q Where did you meet them? A That was there un Hunt County, or Wood county.

Q Was his wife with him when you met him? A Yes, sir.

Q Now, where was the Salt works that you speck of having known John prior to knowing his wife; what State or County? A It was in Texas.

Q About when did you first known John? A That was the first I knowed of him was in about '62, I made salt with him, I employed him to make salt.

Q When did you leave or move away from there, from where John was working? A I moved away from there in '68, about that time and went back with a load of fruit trees and found John on the road and he asked me to take him back, I knowed him very well and knowed his master.

Q Who was his master? A His name was Beeson.

Q Where did he live? A He lived in Missouri.

Q Do you know whether or not he lived in Missouri at the breaking out of the war? A Yes, sir.

Q Now, you met John and his wife down there, did they come back with you then? A They came back with me then to Goingsnake district.

Q That was in what year? A I think it was in '71 or '2.

Q Well, have you ever seen them since you brought them back?

A I have seen John often but I never have seen her.

Q Do you remember any of the children's names at that time, or his [illegible] it seem as long you have forgotten? A No, sir, I didn't remember.

MR. MATHES: Now, Mr. Ellis, you went down to Texas by the name of John Beeson? A Yes, sir.

Q And he had a wife by the name of Mary? A She claimed to be by the name of Mary, I seen them.

Q Now, in what Mary Beeson she make application for enrollment [illegible] the name of Mary this wife John was the husband of that you went to Texas? A I could not tell you for I didn't [illegible] her name. I don't know that I could know her if I could see her

Q And you don't know to whom this Mary belonged before the war, do you? A No, sir, I don't.
Q You don't know where she was during the war, do you?
A No, sir.
Q You don't know of your own knowledge whether she ever went out of the Cherokee nation during the rebellion between the north and south, do you? A No, sir, I don't know anything about the applicant; I know that John Beeson-
Q I am not speaking about John Beeson; you don't know whether or not if she went out of the Cherokee Nation, whether or not she returned in the year 1866, do you. A No, sir, I don't know about that.
Q And that Mary that was the wife of this man, John Beeson, you don't know whether she is dead or alive do you? A No, sir.
MR. DAVENPORT: I wanted to ask you, Mr. Ellis, do you know Mr. Jack Alberty? A Yes, sir.
Q I will ask you if you remember at any time along the trips you were making there going to texas or from Texas about the time these people came with you, of meeting him anywheres? A Yes, sir, I met Mr. Alberty as I was coming back from Texas and he asked me- and I stopped to talk with him, and I asked him if he knew these negroes and he said he didn't know whether he did or not, and he went up to the wagon and said that was the negro woman that belonged to Eaton.
Q He recognized her as being the woman he that belonged to Mary Eaton? A Yes, sir.
MR. McCURA: That was the Mary that was with you?
A Yes, sir.
Q You don't know whether that was the Mary or not that came back to the Cherokee nation and stopped down here about Peggy Depot?
A No, sir, I don't know anything about the Peggy Depot.

Com'r Meadlos: This testimony will be made part of the record in the original case and also part of the record in doubtful cases #766, #783, and #972.

---oooOOOooo---

J. O. Beeson, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jos

In the matter of the application of Mary Hudson et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Mary Hudson----------Cherokee Freedmen D 764,
William Beason----------Cherokee Freedmen D 764,
Jesse Beason et al.----------Cherokee Freedmen D 765,
John Beason----------Cherokee Freedmen D 972.

DECISION

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Mary Hudson, for herself; by William Beason, for himself; by Jesse Beason, for himself, his wife, Mary Beason, and minor children, Sanford, Clifton, Mary and Christyann Beason; and by John Beason, for himself.

The evidence shows that the applicant, Mary Hudson, formerly Beason, was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion, and that she was not residing in the Cherokee Nation on July 19, 1866, nor at any time within six months thereafter.

The evidence further shows that the applicants, William, Jesse and John Beason, have been born since 1866 and are descendants of and claim right to enrollment through the said Mary Hudson.

The evidence further shows that the applicant, Mary Beason, nee Bowe, has been born since 1866 and is a descendant of and claims right to enrollment through one Jef Bowe; that the said Jef Bowe was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he was taken out of the Cherokee Nation and returned thereto and established his residence in 1866.

The evidence further shows that the said minor applicants, Sanford, Clifton, Mary and Christyann Beason, are the minor children of the said Mary Beason, by her husband, Jesse Beason; that the said Mary Beason was residing in the Cherokee Nation at and for a reasonable period prior to June 28, 1898, and that said minor children have resided with their said mother since birth.

The names of the said Mary Hudson, William Beason, Jesse Beason and John Beason are not found on the 1896 preliminary roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Hudson, William Beason, Jesse Beason and John Beason, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that the said Mary Beason, Sanford Beason, Clifton Beason, Nerry Beason and Christynam Beason should be enrolled as Cherokee Freedmen, in accordance with the provisions of said Section Twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby,
Chairman.

(SIGNED). T. B. Needles,
Commissioner.

(SIGNED). C. R. Breckinridge,
Commissioner.

(SIGNED) W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this JUL 22 1902

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

[redacted]

764

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGovan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

[redacted]

[redacted] said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee [redacted]

Blue & Bulger

Attorneys for Applicants.

[redacted]

Service of the above motion acknowledged and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this [redacted] day of [redacted], 1906.

[redacted]

Attorneys for Cherokee Nation.

By [redacted]

F.D. 764

Proof of Service made
and original filed with the
DATED COMMISSION.

OCT 7 [illegible]

NOTICE!

IN THE MATTER OF the application of Mary Hudson for enrollment as Cherokee Freedmen:

Case No. F. D 764

To Mary Hudson Centralia I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 10 o'clock A M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R. B. Bell

N. N. Hastings

F. S. Dennett

Attorneys for the Cherokee Nation

F. D. 764

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on . . . . . .

. . . . . .

by delivering a true copy thereof on the

day of . . . A. D. 190.

~~Given under my hand this~~

day of . . . A. D. 190

. . . . . .

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of . 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A D 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made and original filed with the DAWES COMMISSION.
OCT 4 1901

NOTICE!

IN THE MATTER OF the application of Mary Hudson

for enrollment as Cherokee Freedmen:

Case No. F. D 764

To Mary Hudson Centralia I.T.

You are hereby notified that the Cherokee Nation will present before the ~~United States~~ Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Oct 23 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 30 1901

L B Bell

M. N. Hastings

F. I. Davenport

Attorneys for the Cherokee Nation.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AKLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.D-764
766-783-972

Muskogee, Indian Territory, July 27, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 22, 1903, rejecting the application for the enrollment of Mary Hudson and William, Jesse and John Beeson, and granting the application for the enrollment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. D-67

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
Docket of Sec

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 18, 1904.

W. W. Hastings,
~~Attorney for Cherokee Nation,~~
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 22, 1903, in the consolidated case of Mary Hudson et al., rejecting the applications for the enrollment of Mary Hudson, William, John and Jesse Beeson, and granting the application for the enrollment of Mary, Sanford, Clifton, Mercy and Christyann Beeson as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except John and Jesse Beeson, on April 28, 1904.

Respectfully,

Chairman.

Cher. Fr. D - 765

Cher. Fr. D. 765

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Leah Winfield for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Leah Winfield, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Leah Winfield.
Q How old are you? A I guess I am about 50 years old.
Q What isyour post office? A Lenapah.
Q What district do you live in? A I don't know what the district is.
Q Cooweescoowee? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names ofyour children? A Emma Winfield.
Q How old is she? A 17.
Q The next child? A Fleas Douglas.
Q How old is he? A He is a little over 17 years old.
Q Are they twins? A No, sir.
Q You said Emma was 17? A No, sir, I said 18, there is a years difference.
Q What is the next child's name? A Blanche.
Q How old is Blanche? A 14.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Douglas Winfield.
Q Is he a citizen? A Yes, sir.
Q When were you married to him? A About 18 years ago.
Q You don't apply for him then? A No, sir.
Q Is his name on the roll of 1880? A I don't know sir, whether it is or not.
Mr. Mellette: Were you a slave in the Indian Territory at the beginning of the war? A Yes, sir.
Q Who was your owner? A Mrs. Katie Daniels at Fort Gibson.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir
Q Where did you go to? A Went to Iola, Kansas.
Q Did you come back to the Cherokee Nation after the war? A Yesgsir
Q What year? A came back in '66.
Q Who did you come back with? A Old Aunt Sarah Ross, belonged to John Ross, John Ross's mother.
Q Where did you come when you came back? A Stopped on Pryor Creek with my brother, Isaac Brown.
Q Where did you go from there? A Went to Gibson.
Q Did you live at Gibson before you went out? A No, sir, we lived at the head of Greenleaf, my mistress always lived with her mother, Rachel Orr.
Q How were you married before you married Winfield? A Yes, sir.
Q Who was your first husband? A Robert Jones.
Q Was he a citizen of this country? A Yes, sir.
Q Where did you marry him? A I married him in Iola.
Q Was he dead at the time you married Winfield? A Yes, sir, he was killed here in the Territory over in the Creek Nation there.
Q And where did you marry Winfield? A I married him at Fourteen Mile Creek, near Gibson.
Q. Rodgers: What part of the Cherokee Nation did you live in [illegible]? A I lived on the head of Greenleaf, at old Rachel Brown's place.

Q How far was that from Port Gibson? A About 20 miles I believe they called it, I was quite a child.

Q How old are you? A I guess I am nearabout fifty years old, I don't know my age exactly.

Q What sort of a house did Lowrey live in? A Lived in a hewed log house.

Q Double log house? A Yes, sir.

Q What family did Lowrey have? A Had a boy, he had quite a lot of children, lot of the children I never knew.

Q What was his wife's name? A Had no wife, my mother kept house for him there, all I know of him.

Q What was his children's name? A Rachel and Anderson and Jim.

Q Anderson and Jim Lowrey? A Yes, sir, and there is some more of them but I disremember the names, it has been so long.

Q What families lived neighbors to George Lowrey? A Old man Patrick, Josh Robbins.

Q You were married in Iola? A To my first husband, yes, sir.

Q Was your first husband in the army? A Yes, sir, he was; was mustered out at Leavenworth and came to Iola and we married.

Q You married after he was mustered out? A Yes, sir.

Q Who were you living with at Iola at the time? A My brother.

Q What was his name? A Isaac Brown.

Q Did you have any children by Jones? A Yes, sir.

Q What was the oldest one's name? A They just died little bits of infants, didn't have any names.

Q How many did you have by him? A I had two; I had bad luck with them.

Q Where did they die? A At Pryor Creek, buried there.

Q They were born on Pryor Creek? A Yes, sir.

Q You say your present post office is Lenapah? A Yes, sir.

Q How long have you been living at Lenapah? A Been living there about four years steady.

Q Where did you come from when you came to Lenapah? A Came from down at Fourteen Mile Creek close to Gibson, lived there with my brother.

Q You came direct from Fourteen Mile Creek to Lenapah? A Yes, sir.

Q How long had you been living on Fourteen Mile Creek when you came to Lenapah? A I have been there quite a while, I don't know just how long.

Q About how long? A Pretty near 20 years I guess.

Q All the time, continuously? A Oh not all the time, I was over in the Creek Nation some time, I had a brother living over there, I would go over there and stay with him sometime.

Q Near what town did she live? A Lived near Muskogee, about three miles from Muskogee out west.

Q Did you have a house on Fourteen Mile Creek? A No, sir, just lived there with my brother, rented land from him.

Q When did your first husband die, Jones? A I can't have the years. He has been dead nearabout 25 or 25 years.

Q Where was he killed? A Over at Marshalltown, over in the Creek Nation.

Q Was Winfield your second husband? A Yes, sir.

Q Where did you marry Winfield? A I married him at Fourteen Mile Creek.

Q Who married you? A Uncle Stanley Bennett.

Q You keep house on Fourteen Mile Creek? A I told you I just lived with my brother, I was renting land people didn't have any houses in the Territory.

Q Twenty years ago? A Yes, sir.

Q You have a child by the name of Jones by that Winfield? A Yes, sir.

Q How call us please what was born? A She was born at

Fourteen Mile Creek.

Q Them at your brother Joe's place? A Yes, sir.

Q You have got another child named Pleas? A Yes, sir.

Q Where was Pleas born? A That is where they all were born.

Q Pleas was born on Fourteen Mile Creek? A Yes, sir.

Q You have another child Blanche? A Yes, sir.

Q Where was Blanche born? A There is where they all was born; Fourteen Mile Creek.

Q How old is Emma? A She is 18 according to my remembrance.

Q And how old is Pleas? A 17.

Q And how old is Blanche? A She is 14.

Q You remember making application to the Kern-Clifton Commission for enrollment? A Yes, sir.

Q Where were you living at that time? A I was living at Fourteen Mile Creek at that time.

Q Did you tell them at thattime you were living at Fourteen Mile Creek? A Yes, sir, I did, I told you; you were sitting there.

Q Your children had all been living there? A Yes, sir.

Q You told them at that time you had been back from Parsons a week? A No, sir, never did tell any such tale as that in the world.

Q You testify that? A Yes, sir.

Q Well wasn't Pleas and Emma and Blanche born at Parsons?

A No, sir.

Q Parsons, Kansas? A No, sir; I know what you are talking about; I say they were not born there.

Q You never were in parsons in your life? A Yes, sir, I have been, that doesn't say the children was born there because I was there.

Q You have been in Parsons? A Yes, sir, I have been.

Q When is the first time you went out to Parsons, Kansas?

A The first time I was out was when I emigrated through the Territory.

Q When did you go back up there after you came down? A When I came back here?

Q When did you go back up to parsons after you came down here?

A When I came to the Territory?

Q Yes? A Why I didn't go up there for a long time, I went up there, I disremember just when it was, because as I told you I can't keep dates.

Q About how many years after the war? A Oh it was a good long while, I stayed in Gibson years and years.

Q About how many years? A Must have been about twenty years or more.

Q What was your husband doing up there? A There?

Q In Parsons? A He worked up there some.

Q At what? A At a hardware store.

Q Who for; the hardware man's name? A There was two or three, I don't know, he worked for Mr. Steele for one.

Q Do you know Mr. Steele's first name? A Frank I think.

Q How long did he work up there? A He worked up there a couple of months and then came back home sometimes and back again.

Q You kept house for him? A No, sir, never kept house.

Q What did you do up there? A When I could up; sometimes I worked a little, there was land here, and I didn't have much to do, we were poor and I had to go outside work some times.

Q What kind of work did you do? A I could get work.

Q Didn't you have house up there, we not? A We had a little place, we called it promise.

Q How long did you come up there? A Stayed up there about two months and then came back; I always hated and to stay very long.

Q There came day down like on Fourteen Mile Creek? A Why he

lived right there close by Aunt Dorcas Buffingtons, she was in here witnessing the other day, right close to her and Frank Harlin.

Q How far did you live from Aunt Dorcas? A I would call it a mile, I don't know, don't think any more than that.

Q About how long after the war was it till you went up there on Fourteen Mile Creek? A After the war?

Q Yes? A Why I don't know how long it was, because I stayed out in Gibson, I can't say, I will not confine myself to say because I can't say, figure the number of years, or soon after the war, a long time after the war

Q You keep house or rent? A Yes, sir.

Q About how many years did you stay with Joe Brown on his place? Two or three, or three or four.

Q How long since you actually lived there? A I was living there time of the Court, been about five years or four.

Q You were living there then? A Yes, sir, when you had the Clifton Court, I told you I was living there.

Q You didn't testify you had been living back from Parsons about a week? A No, sir, never said any such word.

Q Were you keeping house on Joe Brown's place? A No, sir, living right in the same house with Joe Brown.

Q There was your husband' then? A He was down there then; I think at that time I told you he was working up in Parsons, I think that is what I said.

Q You were not working up there at Parsons? A No, sir, I wasn't.

Q What did you do down to Joe Brown's? A I hoed corn and cotton, anything that my hands found to do.

Q Who were some of Joe Brown's neighbors down there? A I told you Aunt Dorcas Buffington, and I don't think I know all of them people down there, all their names just slip me, because I can speak the names when I want to speak it.

Q You have lived there all your life and don't know your neighbors? A I know my neighbors, but sometimes don't know their names; Tom Harlin and Mrs. Gates.

Q Is Tom Harlin a married man? A Yes, sir, he is a married man with a family.

Q Did Tom have some children? A Yes, sir.

Q What were their names? A I disremember the children's names, I know the children as well as I know my own, pretty near.

Q They were neighbors to you? A Yes, sir.

Q Did Mrs. Gates have a family? A Yes, sir, she had a large family of children.

Q How many of them? A I can't remember just now about the children, we had so many children around amongst us that the children's names slip; I don't want to say anything because I might not name the right one.

Q Do you remember them any more of your neighbors? A Yes, sir, I remember a whole lot, but I can't just know their names just now.

Q With whom did you live in Fort Gibson? A There with a cousin of mine, I can't think of her name to save my life, you said that was sometimes.

Q Who did you live with in Fort Gibson? A Then, now, to what do you mean?

Q Who did you live with in Fort Gibson when you first came back there? A I worked in the garrison for the officers, black, here and white. White and black. Sometimes there was three lieutenants and I worked for them different times, different times black. Before the the first one.

Q Did you work for anyone outside of Government officers? A No, sir; I might have worked some down to Mrs. Brown, of course she kept a boarding house, she was my mistress' sister, Ann Brown, at Gibson.

Q She was living there when you came back there first after the war, Mrs. Brown? A Yes, sir, Mrs. Daniels too.

Q Did you keep house in Fort Gibson while you were working for the officers? A No, sir, I stayed at my cousins, Peggy Hudson.

Q Is she the wife of William Hudson? A Yes, sir.

Q She was living there? A Yes, sir.

Q She is living there yet? A Yes, sir, she is there now.

Q She is a cousin of yours? A Yes, sir.

Q Did Peggy Hudson have any family at that time? A Yes, sir.

Q What was her children's names? A Frank and Bill and Emma.

Q Were they living at that time when you were there? A Yes, sir, and Mattie.

Q And that was just after the war, in 1866? A Yes, sir.

Q You live you say now at Lenapah? A Yes, sir.

Q How long you been living at Lenapah? A I think a little over four years I have been up there.

Q Well, are you living in the town? A No, sir, it is in the country.

Q How far from Lenapah are you living? A It is not very far, about a mile or two miles I guess, from Lenapah.

Q Have you a house up there? A No, there is no house at my place, I live just a little off in a man's house, I have a farm there.

Q In what man's house do you live? A I life in my nephew's house there with him.

Q You have never built a house of your own? A No, sir, I am going to build it; I have a nice quarter there.

Q How long have you been living in your nephew's house continuously?

A Been there about two years, right in that house.

Q Where did you move from when you moved into that house?

A We were living to Charlie Keys.

Q How far is that from Lenapah? A It is about nearly four miles I guess.

Q What direction? A It is south of Lenapah; north of Lenapah.

Q You and your husband kept house at Charlie Keys'? A No, sir, we were just living there in their rented houses, we would occupy here or there.

Q Are you keeping house now? A No, I am not keeping house now, I am living with my nephew.

Q Where is your husband now? A He is here.

Q Does he live in that house with you? A Yes, sir, he stays with me.

Q How long has he been living there and right along, continuously?

A Been right along continuously about a year, right steady, he goes off and comes.

Q Where does he come from when he comes over there? A From Muskogee.

Q He is working for that Muskogee man up there now? A Yes, sir, working sometimes, he isn't working for his new Mr. about a week ago.

Q When was the last time you were in Muskogee? A About a year ago.

Q What have you been going up there? A Went up there to see him.

Q How long did you stay up there? A Just stayed a little while and then went, gone a few weeks.

Q When you were in Fort Gibson do the you say you changed with your husband Henry Gibson? A Yes, sir.

Q Did you have husband's name? A I don't say I came to Gibson with, I said I changed up in Henry Gibson.

Q When did you go to Fort Gibson? A I went to stay down, I

guess; I don't know, it might have been four or five months, somewhere along there, I went to Fort Gibson.

Q Was that before or after Christmas? A I disremember about that, I had a great deal of trouble in my life, and I am not goo at remembering now.

Q At whose house was Emma Born? A She was born at Joseph Brown's house.

Q And where was Fleas born? A They were all born there.

Q At that same place? A Yes, sir.

Q And that is on Fourteen Mile Creek? A Yes, sir.

Q And all three of these whildren were born there? A Yes, sir.

Q Now in four or five months after you left Pryor Creek you went down to Fort Gibson? A Yes, sir, I think that is the way, it might have been a little more.

Q You mean you had been on Pryor Creek some four or five months before you came to Fort Gibson? A Yes, sir, that is what I mean, after '66.

Q In other words, you claim you were up on Pryor Creek and stayed there about four or five months and then you went down to Fort Gibson, is that correct? A Yes, sir, somewhere along there, as near as I know.

Q When you went to Fort Gibson your cousin, Peggy Hudson, was living there at that time? A Yes, sir.

Q That was her husband named at that time? A His name was Rees Mackey.

Q She wasn't living with Bill Hudson? A No, sir, not when I first went to Gibson she wasn't; and then he died and she married this man.

Q Where did you first see Fred Martin? A Why I saw him at Gibson and saw him at Pryor Creek, his father was a minister and he always went around with him; Uncle Fred Martin he was a Baptist Minister.

Q Who brought you to the territory? A Came down with Aunt Sarah Rost, John Reese's mother, I lived with her up in Iola; my brother married her daughter.

Q You didn't draw any strip money four years ago? A No, sir, I never draw any.

Q Then you never had a house of your own down there on Fourteen Mile Creek? A No, sir.

Q You didn't live in any house of your own in Fort Gibson? A No, sir.

Q You haven't got a house of your own now? A No, sir, I am going to build one; I have a man there.

Q You never have kept house with your husband, either of your husbands, in the Cherokee Nation? A No, sir, no more than just with my people; I kept house a little while in one of Charlie Keys' houses, as a renter.

Q That was a couple of years ago? A Yes, sir.

Q Who are your neighbors up here at Lenapah? A Why Mrs. Foster.

Q What is her name, Melissa? A Yes, sir.

Q She is a neighbor of yours? A Yes, sir.

Q How far does she live from you? A Lives with Mrs. Lane, a daughter of hers, and far, about a mile or two.

Q George V. Lane? A Yes, George V. Lane lives pretty close there too; I know him well.

Q Do you know Ed Moore, on Fourteen Mile Creek? A Yes, sir, I know him.

Q Did you know Thomas Moore? A I have seen him, I am not acquainted with him.

Q Did Charlesson live around you on Fourteen Mile Creek? A Not right there, they didn't, but a little more.

Q Just one more of

Q What was some of them you know? A I just named a couple of them, and an old lady there named Peggy, I have forgot what her name was; well, then Speers, there was two or three of them, I saw a great many of them; I never formed a great acquaintance with them because I stayed in pretty close.

Q You didn't bring a single witness before the Kern-Clifton Commission? A I don't know whether I did or not, I had Joe Brown and Aunt Dorcas Buffington for my witnesses.

Q Did you bring them in before the Court and examine any of them? A They called them in, I don't know how they did, we didn't sit there till they came in, they called the witnesses in.

Q They never put any of you out of there while the witnesses were testifying before that? A I don't know anything about that, they were the two witnesses I had.

Mr. Mellette: Leah, did anybody look after your matter for you when the Kern-Clifton Commission met; was anybody taking care of your case? A Somebody promised but I never could get nobody to do all that.

Q Turner? A Yes, sir, but he never told me nothing and I didn't know anything.

Q You didn't know how to manage it yourself? A No, sir.

Q You say you married Winfield about 19 years ago? A Yes, sir.

Q Up to the time you married Winfield had you ever been out of the Cherokee Nation since you came back in '66? A No, sir.

Q Never had been out up to 19 years ago? A No, sir.

Mr. Hastings: Didn't you use to run a boarding house in Parsons?

A No, sir, I didn't run a boarding house.

Q You never run one in connection with a school up there?

A No, sir.

Q Didn't you testify that before the Kern-Clifton Commission?

A No, sir, you said I did, but I told you I didn't.

Q How do you know it was in '66 you came back? A Well, the way I know it, I know what they say, and old lady Ross said it was '66 and they said they must all come back if they wanted to have a home in the Territory.

Q Who was living on Pryor Creek at that time? A The Mays, Ollie Mays and Joe Mays, ~~[illegible]~~

Q Blue Rider living there? A I don't know him, he might have been living there; Eli Dougherty.

Q Was Frank Ross living down there? A Yes, sir.

Q Living in a house? A Yes, sir.

Q You didn't come with him? A Yes, sir, he came down the same time, and with the same bunch of us.

FRANK ROSS, being duly sworn by Commissioner Mellette, testified as follows:

Mr. Mellette: What is your name? A Frank Ross.

Q What is your age? A 33, going on 34.

Q Where do you live? A Lightning Creek.

Q Are you a recognized Freedman citizen of the Cherokee Nation?

A Yes, sir.

Q On the roll of 1880? A Yes, sir.

Q Do you know the applicant, Leah Winfield? A Yes, sir, I know her.

Q Do you know when she returned to the Cherokee Nation after the war? A She came back here with me and old man Charles Ross and we forgot and a while let us go away back together.

Q Who was she in charge of? A She was living with her brother, The Green.

Q Where did they stop when they came back? A Stopped here on Pryor Creek.

Q Do you know how she and Jim Ross [illegible]

Q Do you know where she went from Pryor Creek? A She went to Fort Gibson.

Q About what time of the year was it she came back? A We came back in the spring, along in March.

Q March of '66? A Yes, sir.

Q Was there a Nancy Ross? A Yes, sir, there was a Nancy Ross.

Q Did you know Sarah Ross? A I said she came back, I said that when I first was sworn, she came back with Sarah Ross, my mother, and Uncle Charlie Ross' wife, Ike Brown brought her, he was her brother, he married Aunt Sarah's daughter.

Mr. Hastings: What was her name at that time? A Leah Orr at that time, we called her.

Q Did she come back with Sarah Ross, or with you? A Sarah Ross she lived with, we all came back together in the same bunch.

Q Did she come in Sarah Ross' wagon? A Yes, sir, she came back with them in the wagon.

Q I want to know whether she had a separate wagon or whether she came in Sarah Ross' wagon? A Came in Sarah Ross' wagon.

Q Who all came in Sarah Ross' wagon? A That is all, aunt Sarah and Uncle Charles.

Q Charles Ross and Sarah Ross and this woman; that is all, is it? A That is all I seen in there.

Q Now what other men came along with you? A The others was Ben Pettigen and Ellis Johnson and Sandy Ross and Billy Ross, my father, and John Reese, Ike Brown; that was all I can think of.

Q Now who did she live with down there on Pryor Creek? A She stayed with old Aunt Sarah.

Q About how long did she stay there? A She stayed there till along sometime in August, sometime about the latter part of August or the first of September.

Q She went from there to Fort Gibson, did she? A Yes, sir.

Q Did you ever see her at Fort Gibson? A Yes, sir, I saw her there once.

Q How long after that? A It wasn't very long, two or three years.

Q Did you ever see her there again? A I never went there any more for three or four years after that.

Q When did you next see this woman? A I saw her next about eight or nine years I guess after that.

Q Where was she living then? A She was up here on the Band, I don't know where she was living at then, I never asked her.

Q At whose place then? A It was at a meeting, at church.

Q You don't know where she was living? A No, sir.

Q Was she married then? A I suppose she was, I didn't ask her.

Q Do you know where she married the first time? A I think she married, I don't know exactly where she married the first time.

Q Did she have a husband with her when you saw her up there on the Band? A No, I didn't see him, she might have had, I never made any inquiries.

Q Did she have any children with her up there on the Band?

A Not as I know of, I never noticed any, she might have had; I just noticed her passing through the crowd and spoke to her and went on.

Q Do you know when she was first married? A No, sir.

Q Well, she married after she came down with you people in '66?

A She married afterwards, yes.

Q She had no children when she came along with you, was she a single girl, she had no children on Pryor Creek? A Not as I know of, she wasn't married then.

Q Do you know what her first husband's name was? A She married Albert Jones, I think that was him.

Q Now Frank, has she ever told you where and when she married Albert Jones? A No, I don't think she has.

Q Do you know yourself where she married him? A I told you I didn't know.

Q When did you first see Robert Jones? A I seen him in '62 and '3 and '4 and '5, stayed with him.

Q I mean after the war? A In the winter of '66.

Q Where did you see him? A I saw him down there on Pryor Creek where I lived, he came up there.

Q That was after you people had come? A Yes, sir, after we came.

Q The following winter; she wasn't living there then? A She went down to Gibson.

Q She was at Gibson at that time? A Yes, sir.

Q She wasn't married to him at that time? A I don't know whether she was or not.

Q You hadn't heard of it? A Never did hear of it.

Q She never had had any children? A No, sir.

Q She never had any children on Pryor Creek? A No, sir.

Q How far did you live from Sarah Ross on Pryor Creek? A I lived about two miles I guess, I lived down on the Rider place.

Q How long did you live there? A Lived there from the spring till fall and then I moved away up on Pryor Creek.

Q How far did you move from there? A I moved away up about eight miles I guess from the place where I was, we were living right on the Tom Rider place.

Q She didn't keep house separate on Pryor Creek? A No, sir.

Q Well now, did she ever live with Sarah Ross after the first four or five months after the war; you know you testified she came down and stayed with you people four or five months, and then went to Fort Gibson? A No, I didn't say four or five months, I said from spring till August or September, that is what I said.

Q That will about make it. A That is what I said.

Q Well, after August, 1868, did she ever live with Sarah Ross? A Not that I heard of.

Q You never saw her then at Fort Gibson from a short time after she went down there? A No, sir.

Q Did you know her husband Winfield? A No, sir, I am not acquainted with him.

Q Where do you live? A I live on Lightening Creek.

Q How far from Lenapah? A It must be over thirty miles.

Q Do you know where her husband Winfield is? A I suppose he is here.

Q You are not acquainted with him are you? A No, I am not acquainted with him.

Q I believe you stated you saw this woman up on the land here nine or ten years after the war, or nine or ten years ago? A No, I seen her at Gibson I said.

Q When did you next see her there or anywhere? A The next time I saw her, I don't exactly remember, it was a good while after that.

Q Well, where? A I saw her down to Court at Vinita.

Q What Court? A The Nelson Court.

Q Then when did you next see her? A I don't remember when was the next time I saw her.

Q Did you see her up till then? A I saw her once I know of anyhow

Q Where was that? A Down at Chelsea the other day.

Q You have never been at her house where she has lived since the war? A No, sir.

Q Do you know where her children, Ross, Flora, and Minerva, were born? A Don't know nothing about that, where they were born at.

Q Did you tell you about being up at Pawnee? A No.

Q Did you have to Pawnee in the last few years? A I haven't been to Pawnee since it was a little bit of a town some thirteen years I came down, but it wasn't any town, one or two houses

there was all.

FRED MARTIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Fred Martin.

Q What is your age? A 43.

Q Where do you live? A Grand River.

Q Are you a recognized Freedman citizen of the Cherokee Nation?

A I am.

Q. Do you know the applicant Leah Winfield? A Yes, sir.

Q Do you know where she was in the year 1866? A She was at Fort Gibson along in the fall at our house, she was at my father's with my sister, my older sister Suse.

Q Do you know where she came from when she came to your house at Fort Gibson? A No, sir.

Q How long did you see her there, how long did you stay there, or how long did you see her there? A We stayed there, I don't know know just how long we did live in Fort Gibson, but we moved out of Fort Gibson in the winter of '66.

Q Where did you move to? A Up on Grand River to the McNair place.

Q. Where was she when you left Fort Gibson? A She was at Fort Gibson, we left her there, she stayed all night at our house with my sister the night before we moved away.

Mr. Hastings: How old are you? A 43.

Q You were born in '58 were you? A I am 43 years old, 43 years old the first day of last May.

Q Do you know what year you were born in? A No, sir.

Q You know how old you were when the war closed? A I don't know whether I do or not, I am 43 years old.

Q A good many colored people in Fort Gibson in '66? A Good many, yes, sir.

Q You didn't know this woman before the war? A No, sir.

Q Was she a single woman when you knew her? A Yes, sir, she was a young woman, about the size of my sister.

Q What was her name at that time? A I don't know just what her surname was, I know her given name, I know her given name, they called her Leah.

Q You don't know what her other name was? A No, sir.

Q You just saw her there the one time? A She stayed there right smart of the time.

Q Who was she living with at that time? A I don't know who she was living with, she was around there with my sister.

Q A single girl with your sister? A Yes, sir.

Q When did you next see her? A When did I next see her, it was the following fall after we had moved up on the river, I went down her over on Pryor Creek at a meeting, the meeting was held at Uhale Billy Lucy's or Billy Rose; my father preached there and she was there.

Q When did you next see her? A I never saw her no more till the Rom-Gilfin court.

Q Where did she come from when she came down to the Rom-Gilfin Court to enroll? A I don't know.

Q Have you ever been up to Pawnee in the last eight or ten years?

A No, sir.

Q You never saw this woman up in Pawnee, Kansas? A No, sir.

Q Well now from the time you saw her on Pryor Creek you didn't see her up until the Rom-Gilfin court? A No, sir.

Q And put with your short acquaintance you did remember her both when she was eight years of age, over 30 years that she stayed all night at your house. A I remember back when she stayed there with my sister. I remember when I saw her on Pryor Creek, I remember about

Cont.

saw her at the Kern-Clifton Court.
Q Do you know what her husband's name is now? A Don't know her husband at all.
Q Did you ever see him? A I saw a man she said was her husband.
Q Do you know whether or not they were married? A No, sir.
Q Know her family? A No, sir.
Q Dont know where they were born? A No, sir.
Q Do you know whether she was ever married before or not? A No, sir, I don't.
Q You never knew of her being married before, did you? A No, sir.
Q You never heard of her having any children except by this man?
A No, sir.
Q She wasn't married when you saw her in Fort Gibson, she was just a girl? A She wasn't married, because - -
Q She wasn't married the next year when you saw her on Fryer Creek?
A No, sir, not as I know of, I don't know whether she was.
Q She never had any children? A No, sir.
Q She went by her maiden name? A We always called her Leah, and that is all the name I knowed for her.
Q You new her as a single girl? A Yes, sir.
Q You never saw any man around claiming to be her husband?
A No, sir, not until here lately.
Q You don't know where she was living at Fort Gibson? A No, sir I don't know who she lived with.
Q You don't know what she was doing down there? A No, sir, I don't.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined and the applicants not identified thereon.
The Wallace roll examined and the applicant identified thereon.

LEAH WINFIELD, recalled, testified:
Commissioner: Did you draw for any of these children? A No, sir.
Q Were they not on any of the rolls? A Not as I know of.
Q Are these children named Winfield? A Yes, sir.

Commissioner: Leah Winfield applies for the enrollment of herself as three children, namely, Emma, 16 years of age, Fleece B., 17 years of age, and Blanche, 14. She avers that she is the wife of Douglass Winfield, who is the father of these children. She avers that her name and that of her children appear upon none of the rolls of the Cherokee Nation, and the rolls in the possession of this Commission have been examined and their names are not found thereon. Application is made to the testimony as to her citizenship and residence. Leah Winfield and her three children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a descriptive card. It will be necessary for her to make application for the birth of the three children. Their testimony proves as to the birth of the three children, but connecting them with any of the rolls of the Cherokee Nation. She will be notified by mail of the decision of the Commission in the premises when rendered.

Leon Winfield - 12.

Bruce T. Jones, being duly sworn, says that he is a stenographer in the employ of the Five Civilized Tribes and correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce T. Jones

Sworn to and subscribed before me this 20th day of July, 1906.

[illegible]
Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lesh Winfield, D 765;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that Indian: For the applicant be allowed within ninety days to file one of the proof of one or all of the record copy than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cherokee Freedmen-D-765.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 7, 1905.

In the matter of the application for the enrollment of Leah Winfield et al. as Cherokee Freedmen.

Cherokee Nation represented by its attorneys,

MELLETTE, HASTINGS, & DAVENPORT.

COMMISSION,

_____ MELLETTE, attorney for applicant, was absent.

Leah Winfield, being duly sworn, testified as follows:

COMMISSION)

Q. What is your name? A. Leah Winfield.
Q. How old are you? A. I am about 55.
Q. What is your post office address? A. Lenapah, I.T.
Q. You are an applicant as a Freedman? A. Yes sir.
Q. Do you also apply for your children? A. Yes sir.
Q. What are their names? A. Emma, Blanche, and Floyd [illegible] Winfield.
Q. Are these children living today? A. Yes sir.
Q. Where are they living? A. Emma is teaching school up in Rogland, and the other two are living at Lenapah with me.
Q. Have they always lived in the Territory? A. Yes sir, only when they were going to school.

MR. HASTINGS)

Q. How old is Emma now? A. She is about 23 or 24.
Q. Where was Emma born? A. At Fourteen Mile Creek.
Q. Whose place? A. Joe Brown's.
Q. Were you living there at that time? A. Yes sir.
Q. Where was Floyd B. born? A. There, too.
Q. Did you live there from the time Emma was born until Floyd was born? A. No sir, part of the time I was out to my sister's.
Q. Were you either at Fourteen Mile Creek or over here where your sister lived? A. A great part of the time, we moved around.
Q. Where was Blanche born? A. At Fourteen Mile Creek. They all were born there.
Q. Were you married? A. Yes sir.
Q. Where were you married to Benjamin Winfield? A. I married him over there at another Joe Brown's.
Q. What was your husband's name? A. Benjamin.
Q. Did you live continuously in the Cherokee Nation [illegible] married to Benjamin Winfield? A. I was out to school [illegible] children.
Q. How old was you when married? A. 20 years, [illegible]

Q. Do you own any property at Parsons? A. No sir, I don't .
Q. Does your husband? A. No sir, not while I had him.
Q. Where were you married? A. I told you wermarried at brother Jee's.
Q. Who married you? A. A man by the name of Mr. Durant.
Q. Did you ever live in a house separate from your relatives? A. We are now.
Q. Did you ever before? A. Yes sir.
Q. Where did you move from? A. From down on Pryor Creek?
Q. Where? A. Pretty near that station where I did live then.
Q. Did you live in a house? A. Yes sir.
Q. How long did you live in the house? A. A year or more.
Q. Where did you move from to Pryor Creek? A. From down about Gibson somewhere.
Q. Where did you live at Gibson? A. Before I had him?
Q. Where did you live with him at? A. At Pryor Creek and where I am living now, down on Big Creek.
Q. I want you to tell--- You say you lived on Pryor Creek with him an year, and you have been where you are for the last five years. Where did you live with your husband before you lived at Pryor Creek? A. Up on Big Creek a while.
Q. Near what town? A. I have forgot the name of the town.
Q. How long did you live there? A. Oh! I don't know just how long. I wasn't keeping any record of all of these things. I am not an educated person, and would not say about them things.
Q. You just testified that you never owned any property in Kansas? A. I said I never owned any.
Q. Now Aunty, do not you own lots 7 and 8 in block 21 in Parsons Kansas that you purchased of R. A. Edwards and wife, whose name was V. M. Edwards, dated the 31st. day of December, 1879 and was acknowledged the same day before ____ Hank, Notary Public; filed for record on January 1st., 1880; this property being lots 7 and 8, facing on Crawford Avenue? A. No sir, I never owned any property.
Q. And didn't you live upon this property for 18 years? A. No sir.
Q. Do you know Enos Adams, that lived just across the street from you? A. I know him. I stayed a while at that house.
Q. You lived there for 18 years, didn't you? A. No sir.

CROSS-EXAMINATION:

Q. Did you ever own any real estate in Parsons, Kansas? A. Not as I know of.
Q. Wouldn't you know it if you had owned any? A. Yes sir, I would know it, I guess.

(The Cherokee Nation offers in evidence an abstract of title to lots 7 and 8 in block 21 in the city of Parsons, Kansas, showing a warranty deed, and recorded in Book 5 of deeds, page 348, from R. A. Edwards and wife, V. M. Edwards to Leah Winfield, consideration, $150.00, the same dated December 31, 1879 and filed for record on January 1, 1880, at 8:00 o'clock A.M.

CROSS-EXAMINATION.

Q. Did you live in Parsons? A. I was there off and on educating my children
Q. How long did you live there? A. I didn't live any year and

for I was back and forth in the Territory.

Q. Where was your home in the Territory? A. I told you I was living on Fourteen Mile Creek.

Q. Did you own any property in the Cherokee Nation? A. Yes sir, I had a house here at my brother-in-law's in the Creek Nation.

Q. Did you have any land? A. No sir.

Q. Did you have any house or cabin? A. No sir.

MR. HASTINGS:

Q. What became of that horse--was it born before the war? A. Born before the war? A. I don't know when it was born.

Q. What became of it? A. It died, I guess.

Q. You was living at Parsons all the time, and that is the reason you can't tell where you lived in the Territory, is it not? A. I told you where I lived.

WITNESS EXCUSED.

E. E. Adamson, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. E. E. Adamson.

Q. What is your post office address? A. Parsons, Kansas.

Q. How old are you? A. 58.

Q. Do you know that woman (indicating the applicant)? A. Yes sir.

Q. What is her name? A. Winfield.

Q. What is her first name? A. I have forgot. I don't know that I ever knew, for we always called her Mrs. Winfield, but if I did know it I have forgot it.

Q. When did you first see her? A. About 16 years ago.

Q. Where? A. In Parsons.

Q. How often after that did you see her? A. Every day. I saw her off and on for 16 years.

Q. From that time until the present? A. Not for the last three years.

Q. What was she doing? A. Washing.

MR. HASTINGS:

Q. Where did she live from and? A. Just across the street.

Q. Did she have a husband? A. Yes sir.

Q. Do you remember his name? A. Yes sir.

Q. What was his name? A. Douglas.

Q. Did you ever hear this woman's first name? A. I might have heard it, but we always called her Mrs. Winfield.

Q. For instance's sake was Douglas? A. Yes sir.

Q. Do you know whether or not they owned property there? A. They did.

Q. How long did they live? A. I don't know.

Q. Just that we can know how long this is? A. In a four room house.

Q. What kind? A. Frame and weather boarded.

Q. Did you live in Parsons Kansas? A. Yes sir, on the opposite side of the street.

Q. How long have you lived and, or in the neighborhood of that time.

Q. Up to within three years ago did you see them all the time for the 16 years? A. Not all the time, I would see some of the family, but not always her.
Q. I don't mean did you see them every hour of the day, but did you see them every few days? A. There would be days when she would not be there.
Q. Did the family live there all the time? A. Yes sir.
Q. Were there some children there? A. Yes sir.
Q. Did you see them? A. Yes sir.
Q. You would see some member of the family every day or two? A. Yes sir.
Q. Did they all move away from there together? A. Yes sir.
Q. Did you continue to live where you did live? A. Yes sir.
Q. Do you know any of the children's names? A. Yes sir.
Q. What are their names? A. One was named Blanche, one was named E nna, and the boy was called Buster. That was not his name, but I have forgot what his name was. That was a nick name.

WITNESS EXCUSED.

COMMISSION:---- This case will be held open until Thursday for the applicant to have her attorney here.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 7th.day of March, 1908, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this the 9th. day of March, 1908

Notary Public.

Cherokee Freedmen
D-765.

Ruling
D64

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-vs-

In the matter of the application for the enrollment of Leah Winfield, et al., as Cherokee Freedmen.

---DECISION---

It appears from the record herein that on July 19, 1898, Leah Winfield appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself and her alleged minor children, Rena, Fleno Vaughan and Rhenda Winfield, as Cherokee Freedmen. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on March 7 and March 12, 1900.

The evidence in this case shows that the minor children above named were born since 1866 and are the children of the principal applicant, Leah Winfield, who was the slave of a Cherokee citizen at the commencement of the war of the Rebellion; that during said war she removed from the Cherokee Nation and resided outside the line specified in the treaty of Cherokee, concluded on February 19, 1866, in the state of Kansas, Texas, Arkansas, etc. Vs. the Cherokee Nation, et al., for the enjoyment of freedom to said nation.

The evidence further shows that the mother applicant, together with the principal applicant, Leah Winfield, and her husband, Jerome Winfield, [illegible] from the [illegible] property located in said [illegible].

[illegible]

[illegible]

It is therefore the opinion of this Commission that the application made for the enrollment of Leah Winfield, Emma Winfield, Flora Douglas Winfield and Elmesh Winfield, as Cherokee Freedmen, should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
June 1 1905

Copy

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY.

In the matter of the application of Leah Winfield et al, Cherokee Freedmen D 765, for enrollment as Cherokee Freedmen.

MOTION TO RE-OPEN.

Come now Leah Winfield, deceased, by Douglas Winfield, her husband who survives her, and her children, Emma Johnson, (nee Winfield), Pleas Douglas Winfield, and Blanche Winfield, and, for the following reasons, move the Honorable the Secretary of the Interior to re-open their said citizenship case for the introduction of additional testimony:

From the records in said case it appears that on June 30, 1905, the Commissioner to the Five Civilized Tribes rendered his decision rejecting the above applications for enrollment as Cherokee Freedmen; that on July 15, 1905, the Indian Office recommended the approval of said decision; and that on October 25, 1905, the Department, concurring in said recommendation, affirmed the decision of the Commissioner to the Five Tribes.

It further appears that immediately upon receipt by the applicants herein of notice of the decision of the Commissioner to the Five Tribes, said applicants, in the best manner they knew, sought to supply certain deficiencies, with reference to the continuity and permanence of their residence in Indian Territory, which they were advised existed in their testimony, by mailing to the Department, under date of July 18, 1906, certain affidavits. It also appears that these affidavits were on file in the Department at the time its decision of October 25, 1905, was rendered; but that they were not before the proper division of the Department at that time; and furthermore that no showing was made that copies of said affidavits had been served upon the attorneys for the Cherokee Nation.

The applicants' unfamiliarity with the requirements and rules of practice is an excuse for their failure to obtain proper service of the affidavits so filed, and at the same time is an evidence of their good faith in attempting to supply to the Department all that they deemed necessary.

If given an opportunity to offer testimony showing the time of their residence in Indian Territory, the applicants, in addition to the persons whose affidavits are hereto attached, can produce a number of witnesses whose testimony will be to the effect that the residence of the applicants herein in the Cherokee Nation, Indian Territory, was permanent and continuous.

Wherefore, the applicants herein pray the Honorable Secretary of the Interior that their said case may be re-opened.

Sarah Winfield
Deceased.

By Douglas Winfield
Surviving husband.

Pleas Douglas Winfield

State of Kansas, }
Montgomery County. } SS:

This 12th day of May, 1906, personally appeared before me, a Notary Public within and for the County and State aforesaid, Douglas Winfield and Pleas Douglas Winfield, who on their oaths stated that the foregoing motion had been read to them and that the matters and averments therein set forth are true as they verily believe, and in my presence they subscribed the same.

Witness my hand and seal on the day and date last above mentioned.

(Seal)

O. L. Simon
Notary Public.

My commission expires the 8 day of June, 1907.

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY.

State of Kansas, }
Montgomery County, } SS: AFFIDAVIT.

Douglas Winfield, being first duly sworn on his oath states that he is a resident of the Cherokee Nation, Indian Territory; that he is the surviving husband of Leah Winfield, deceased, who is an applicant in Cherokee Freedmen case D 765; that he was married to said Leah Winfield in the Cherokee Nation, Indian Territory; that three children- Emma, Pleas Douglas and Blanche - were born as a result of that union; that at the time he married the said Leah Winfield he owned property in Parsons, Kansas; that at that time the said Leah Winfield was in possession of land in the Cherokee Nation, Indian Territory; that at that time the said land so held by the said Leah Winfield contained improvements belonging to her; that affiant and his said children are now in possession of said lands, and have been in possession of said lands continuously ever since they were first occupied by the said Leah Winfield; that at no time after affiants marriage to the said Leah Winfield did affiant or any member of the said family take up, establish or maintain a permanent residence at any point outside of the Cherokee Nation, Indian Territory; that affiant and the members of his said family always regarded the land so held by them in the Cherokee Nation, Indian Territory as their permanent home, abode and residence; that at different times affiant, after his said marriage, would go to the said town of Parsons, Kansas, temporarily for the purpose of securing employment with which to gain a means to support the members of his said family; that during a portion of the time after affiants said children became of school age they attended the Public Schools in Parsons, Kansas; that each year while said children so attended said schools they would, immediately upon the closing of each school term, return to their home in the Cherokee Nation, Indian Territory; that during a considerable portion of the time said children so attended said schools their mother, Leah Winfield, remained on the home place in the Cherokee Nation, Indian Territory.

Affiant further states that at no time since his marriage to the said Lena Winfield did he or any member of his said family ever take up, establish or maintain a permanent home outside of the Cherokee Nation, Indian Territory; that affiant and each member of his said family always regarded the Cherokee Nation, Indian Territory, as their permanent home and place of abode; that they always maintained a home in said nation and kept and owned personal effects there; that any absence by any member of said family from said Nation and Territory was merely temporary, either for the purpose of supporting the family or for securing education advantages for the children of said family.

Douglas Winfield

Sworn to and subscribed to before me, a Notary Public within and for the County and State aforesaid, this 14th day of May, 1908.

O. E. Sawyer
Notary Public.

My commission expires the 8 day of July 1911

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY.

CHEROKEE FREEDMEN D 765.

State of Kansas, }
Montgomery County. } SS: AFFIDAVIT.

Thomas Harris of lawful age being first duly sworn on his oath states that he is a resident of the Cherokee Nation, Indian Territory; that his Post Office address is Lenapah, Indian Territory; that he first became acquainted with Leah Winfield, an applicant herein, during the year 1872 and has known and been well acquainted with her ever since; that he became acquainted with Douglas Winfield, the husband of said Leah Winfield, soon after the marriage of the said Winfields; that he is well acquainted with all the members of the said Winfield family; that he has resided in the neighborhood in which the Winfield family resided ever since he first became acquainted with the said Leah Winfield; that affiant is familiar with the lands in the Cherokee Nation, Indian Territory, which the said Leah Winfield owned and had improved before her marriage to the said Douglas Winfield; that he knows that ever since the marriage of the said Winfields' they have kept and maintained a permanent and continuous residence on said lands; that during all of said time they have owned, possessed and kept property and effects on said lands; that affiant knew the time when the children of said family were absent attending school, and that during those times the mother remained in the Cherokee Nation, Indian Territory, and looked after and cared for the property and effects owned by said family in the Cherokee Nation; and that the neighbors often remarked about the said Leah Winfield remaining at home and looking after the property during the absence of her said husband at his work and while the children were attending school.

Thomas F. Harris

Sworn to and subscribed to before me, a Notary Public within and for the County and State aforesaid this 10th day of May, 1906.

Notary Public.

My commission expires the 6 day of June 1907.

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY.

CHEROKEE FREEDMEN D 765.

State of Kansas, }
Montgomery County. } SS: AFFIDAVIT.

Roy T. Osborn of lawful age being first duly sworn on his oath states that on the 18th day of May, 1906, he placed carbon copies of the foregoing motion and affidavits in an envelop addressed to the attorneys for the Cherokee Nation at Muskogee, Indain Territory, and delivered the same to the proper official in the United States Post Office at Coffeyville, Kansas, for transmition by registered mail, taking a registry receipt therefor which said receipt is hereto attached.

Roy T. Osborn

Sworn to and subscribed to before me, a Notary Public within and for the County and State aforesaid, this 18th day of May, 1906.

(Seal)

O. E. Scurr
Notary Public.

My commission expires the 8 day of Jan, 1908.

DEPARTMENT OF THE INTERIOR.

In the matter of the application of Leah Winfield, et al, Cherokee Freedmen D 766, for enrollment as Cherokee Freedmen.

M-O-T-I-O-N.

FOR REVIEW AND TO RE-OPEN.

Come now the applicants herein, by their attorneys, Roy T. Osborn and William J. Sullivan, and move the Honorable Secretary of the Interior to review the decisions heretofore rendered in their said cause and that said case be re-opened for the admission of additional evidence.

STATEMENT OF RECORDS.

From the records in said case it appears that on June 30, 1905, the Commissioner to the Five Civilized Tribes rendered his decision rejecting the above applications for enrollment as Cherokee Freedmen; that on July 18, 1905, the Indian Office recommended the approval of said decision; that under date of July 18, 1905, the applicants filed herein with the Department certain affidavits; that on October 26, 1905, the Department, concurring in the recommendation of the Indian Office, affirmed the decision of the Commissioner to the Five Tribes; that under date of May 18, 1906, the applicants, by registered mail, filed with the Department their Motion to re-open said case, together with certain affidavits in support thereof; that said affidavits included the affidavits of:

Douglas Winfield
Thomas Harris
Lemuel Brown

that thereafter "Supplemental Answer on part of Cherokee Nation" was filed by the attorneys for the Cherokee Nation; that thereafter the attorneys for the applicants filed herein their reply to the answer of the Cherokee Nation.

Thereafter on January 29, 1907, the Department, affirming the previous decisions of the Commissioner to the Five Tribes and of the Indian Office, denied said Motion.

ASSIGNMENT OF ERRORS.

1. ~~The decision is contrary to law.~~
2. The decision is contrary to law and the evidence.
3. The Department erred in receiving and considering the protest of the Cherokee Nation.
4. The Department erred in refusing to consider certain affidavits filed by applicants.
5. The Department erred in not considering the "Reply" of applicants.
6. The Department erred in its finding that the testimony of petitioners is unreliable.
7. The Department erred in finding that applicants' motion is without merit.

BRIEF AND ARGUMENT.

On behalf of applicants the contention is made that the interpretation of Section 2, Article 4, of the Cherokee Constitution, is erroneous, for the reason that the Act of June 28, 1898, explicitly says Cherokee Freedmen shall be enrolled in strict compliance with the decree of the Court of Claims rendered February 8, 1896; therefore, the Commission and the Department could have no other guide in determining this claim. It must be well known that the Freedmen had no rights under said constitution, otherwise there would have been no necessity for the treaty of 1866, defining their said rights. Whatever rights they may have been, or claimed, and the rights they so claimed, were taken interpreted and defined in the specified treaties therein, [illegible] rights in and [illegible] they were [illegible]

If, however, it be held that such cases do come within the provisions of Section 2, Article 1, of the Cherokee Constitution, we contend that the decision in the case of Joseph D. Yeargain et al, I.T.D. 2900--1903, is applicable to the case at bar, and that the applicants herein are entitled to all the benefits thereunder.

By the decisions in the case at bar it is found that the applicants herein returned to the Cherokee Nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs The Cherokee Nation et al, for the return of Freedmen to said Nation; but it is found in said decision that said applicants have resided continuously in Parsons, Kansas, from the year 1889 until 1901 or 1902, and during said period owned property located in said city.

In the Yeargain case, supra, it was found the Yeargains owned a mill and two stores in Southwest City, Missouri. In the case at bar it was found that the principal applicant and her husband, the latter being in fact a claimant for rights in Indian Territory, owned two lots of a total value of $170.00, and situated in Parsons, Kansas.

In the Yeargain case, supra, it was found that the applicants therein claimed certain improvements on lands which they were intending as their allotment selections. In the case at bar the evidence shows that the applicants herein, ever since the return of the principal applicant in 1901, have owned and held goods, chattels, personal effects and improvements located and situated on lands in the Cherokee Nation, Indian Territory, which lands they were holding and intending as their allotment selections.

The testimony further shows that the applicants herein not only returned to, and established their residence in, the Cherokee Nation, Indian Territory, within the time specified in the decree of the Court of Claims, but that they are now living on said lands, and still own and hold improvements situated thereon. In this respect their position is even stronger than that of the applicants in said Yeargain case. For in the said mentioned case it is not shown that the

applicants therein ever permanently returned to said Cherokee Nation after their removal therefrom in 1895 and 1896.

There is not one particle of evidence on record in the case at bar to show that the applicants herein ever did remove with their effects from said Cherokee Nation; but there is abundant testimony on record herein showing that at any time said applicants were absent from said Territory they owned, held and maintained property, improvements and personal effects situated in said lands in said Nation. The record further shows that the only times or purposes for which any of said applicants were ever absent from Indian Territory were for educational purposes or to gain a livelihood.

What constitutes forfeiture of nationality or complete expatriation? We are content to rest on the following portions of the opinion of the Assistant Attorney General in the Yeargain case, supra, which has received the Departmental approval, (I.T.D. 1100--1903):

"There are three elements clearly defined which must concur to effect forfeiture of nationality or complete as expatriation- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there. To these tests add for their construction there is also another implied but not mentioned- viz: the intent with which such acts must be done, for if all property and the person were for some temporary purpose removed from the nation, and if acts were done which might bear the construction of assuming obligations of citizenship in another community- as voting there for instance- yet if the removal of person and property were for some temporary purpose and with intent to return, and the act importing an assumption of duties of citizenship elsewhere had no such purpose, then the change of citizenship could not follow."

The intent of the applicants herein to return to Indian Territory is evidenced by their actual return to, and resumption of, residence in, said Indian Territory.

We contend, therefore, that

1. That the decision herein is contrary to law.
2. That the decision herein is contrary to law and the evidence.

In the decision herein it is specifically stated that the Department received and considered a protest on behalf of the Cherokee Nation to the granting of the protest in citizenship cases to proceed. This protest was never served on the applicants or their attorneys, and no opportunity was ever afforded said applicants or their attorneys to meet it, or reply thereto. This is a violation of the Department's

Under date of April 14, 1906, the Department acknowledged receipt of applicants' letter of July 15, 1905, with which certain affidavits were enclosed; but which the Department then, and in passing on the motion of May 23, 1906, refused to consider in connection with said case, for the reason that said affidavits were not served upon the Attorneys for the Cherokee Nation. In this instance the Department invoked its rules of practice as to the applicants, and suspended said rules under similar circumstances for the representatives of the Cherokee Nation. If said protest of the Cherokee Nation was of enough weight and importance to be considered by the Department, it was obligatory that it be served upon the applicants or their attorneys, and that they be given an opportunity to reply thereto. We insist that said affidavits on behalf of the applicants, under the circumstances, were of as much weight and dignity as, and entitled to equal consideration with, the protest of the Cherokee Nation.

We contend, therefore,:

a. That the Department erred in receiving and considering the protest of the Cherokee Nation, or,

b. That the Department erred in not receiving and considering said affidavits of said applicants along with said protest of the Cherokee Nation.

Under date of August [illegible], 1906, the Department acknowledged receipt of a brief on behalf of the applicants, properly served on the Attorneys for the Cherokee Nation and filed in reply to the supplemental answer on the part of the Cherokee Nation; and yet from the decision herein it would appear that said reply was in no way considered in determining said cause and in arriving at a decision herein. We are not yet informed as to what said "supplemental answer" is supplemental.

c. In this, we contend, the Department erred.

In the decision on said motion the Department found "that the testimony of petitioners is unreliable." There is nothing in the record to warrant or justify said finding, and such finding must of necessity have been based upon something outside of the record and to which the attention of the applicants was not directed.

6. We contend that the Department erred in thus going outside of the record.

In its decision on the motion herein the Department found that "the motion is without merit." We submit there is nothing in the record on which to base such finding.

7. We contend, therefore, that the Department erred in making such finding.

The applicants herein - at least the principal applicant- are denominated refugees. The principal applicant was a slave of a Cherokee citizen before the war of the rebellion. During said war she, with many others, fled from Indian Territory. In their new-found homes in the states they managed to eke out a meagre existence until word came that peace had been declared and under the terms of a certain treaty it would be necessary for them to return to Indian Territory to protect their rights, under the terms of said treaty. The Department has found that the principal applicant herein, through whom the remainder herein claim, returned in time. In returning, some of these so-called refugees rode, some came horse back, and others returned in any vehicle or conveyance there was at hand. To what did they return ? It was almost a barren wilderness that greeted them. They had no homes, and few of them had any means of gaining a livelihood. Those scattered in the remote sites are relatively impoverished. Could it reasonably be expected that they could at once make any great showing in homes, property and cultivated fields ? They did the best they could. They made Indian Territory their home. Under the circumstances, it is remarkable they managed to exist at all. Many of them had to step over

the border to gain subsistence. To these Freedmen who thus sought to secure the bare necessities of life no greater penalty should attach, than would to a citizen by blood who removed for a period of many years that he might attain opulence. Notwithstanding all this, in the case at bar, the applicants herein are rejected because the head of the family, who is not an applicant for rights in Indian Territory, proceeded, long before his marriage to the principal applicant herein, to purchase on the installment plan certain lots in Parsons, Kansas, payment for which was completed after his marriage to the principal applicant, and a deed therefor issued to himself and wife, or his wife alone, it is immaterial which.

Wherefore, applicants respectfully pray for a re-view of the decision heretofore rendered herein, and that this cause may be remanded for the introduction of additional evidence.

Respectfully submitted,

Roy V. Osborn and

Wm. J. Sullivan

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR.

In the Matter of,

Choctaw-Freedmen,

} SS: AFFIDAVIT.

Roy V. Osborn, of lawful age, being first duly sworn, on his oath states that on the 28th day of February, 1907, he deposited with the proper official in the post office at Muskogee, Indian, for transmission by registered mail, one envelope addressed to the Commissioner to the Five Tribes at Muskogee, Indian Territory, and one envelope addressed to the attorneys for the Choctaw Nation, at Muskogee, Indian Territory, both of which said envelopes contained a certain copy of the foregoing motion; that he took registry receipts therefor, which are hereto attached and made a part hereof.

Sworn to and subscribed before me, a Notary Public within and for the County and State aforesaid, this 28th day of February, 1907.

Notary Public.

My commission expires the _____ day of _____, 19__.

Copy

DEPARTMENT OF THE INTERIOR.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF LEAH WINFIELD, et al., AS CHEROKEE FREEDMEN. C.F.D. 765.

R E P L Y

TO THE ANSWER OF THE CHEROKEE NATION.

In the decision rendered in this case by the Commission to the Five Civilized Tribes, and approved by the Department, a finding was made that the principal applicant herein, Leah Winfield, returned to the Cherokee Nation, Indian Territory, within the time specified in the decree of the Court of Claims for the return of freedmen to said nation, and that the remaining applicants herein, children of the said Leah Winfield, were born since 1866.

The only point to be considered at this time is whether or not, since the time of the return of said principal applicant and the birth of the remaining applicants, their residence in said Territory has been so continuous and of such character as would come within the requirements of law applicable to such cases.

In presenting this matter attorneys for the applicants do not desire to advance any theory or make any statement that they can not fully and satisfactorily substantiate with unquestionable proof and evidence. To indulge in idle and irresponsible statements is an easy, but futile, matter.

It is unfair to the applicants and to their counsel to assume, as was done in the brief on behalf of the Cherokee Nation, merely because the affidavit of the husband of the principal applicant has been presented in support of our motion, that he is " the principal witness" in this case. Such statements are narrow gauged. His affidavit is one of several, all equally strong, and one of many witnesses that

can be produced. We are inclined to the belief that their combined and corroborated statements are entitled to as much weight as the unsupported statement of the witness E.A. Adamson.

As to the proposition contained in the brief of the Cherokee Nation that no diligence has been shown by the applicants, attention is respectfully directed to the statement in the original motion that affidavits covering the point of continuity of residence of the applicants in Indian Territory were sent to the Department; were on file with the Department; but in a division other than the one having the case for decision, at the very time the case was considered by the Department. This fact alone shows that the applicants have done everything they deemed necessary in the case; that for people of their station and intelligence they exercised unusual diligence.

The evidence offered in support of the statements made in the motion could not be cumulative, as the applicants have never offered any testimony whatever on those propositions, except the affidavits above referred to and they were not considered in the case.

It proves nothing and is decidedly easy to say: " There is no merit in the case." (See brief of Cherokee Nation.) But the unsupported statement, we think, should fall of its own weight. The same is true of the statement that " the introduction of this (the applicants') testimony would not change the result of the finding." That is a hope rather than a prophecy.

With reference to the statement in the brief of the Cherokee Nation relative to the ownership by the applicants, or any of them, of certain lots in the City of Parsons, Kansas, we have this to say: Prior to the marriage of Leah Winfield and Douglas Winfield, the latter was employed in the City of Parsons by a merchant. While employed Douglas Winfield decided to buy some lots, and a contract was entered into whereby Winfield was to pay a part of the purchase price in cash, the balance to be paid in installments by Winfield out of his daily labor. A deed was not executed until the payment of the final purchase

price was made in the agreed way. Subsequent to the making of this contract and prior to the execution of the deed, Winfield and the principal applicant were married. When the deed was executed it was executed to Winfield and his wife. It was Douglas Winfield's property, and his work and money had paid for it. Now the representative of the Cherokee Nation would have the whole family condemned for $170.00 worth of thrift displayed by this hard working old colored man - a person who is not an applicant for enrollment; who does not ask for a share of the lands or moneys of the Cherokee Nation. It would appear that it is a case for commendation, rather than condemnation.

Long prior to this marriage Leah Winfield owned improvements on lands in the Cherokee Nation, and made her home there. During all their married life Douglas and Leah Winfield made their home in the Cherokee Nation. The family continued to own the improvements and occupy the land. This the family still does. After the year 1898 the only times any member of this family was absent from the Indian Territory was when the father was away at work, or the children were attending school. It should be borne in mind that the father is not an applicant for enrollment. Should these children be ridiculed and condemned for seeking an education, even though they had to leave the Cherokee Nation temporarily ? The vicinity in which they lived offered no educational advantages: to-day they are a credit to their race. At the end of each school term they returned to the home their mother had occupied for many years, and which she guarded and cared for during their absence.

In view of all the circumstances connected with this case, we most respectfully urge that the motion to be reopened be allowed.

Respectfully submitted,

[illegible]

[illegible]

Attorneys for the Applicants.

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE SECRETARY.

CHEROKEE FREEDMEN D 765.

State of Kansas,)
Montgomery County,) SS: AFFIDAVIT.

Israel Brown , of lawful age being first duly sworn on his oath states that he is a resident of the Indian Territory; that his post office address is Coffeyville, Kansas; that he has resided in the Cheorkee Nation, Indian Territory, all his life; that he is weal acquainted with the Winfield family, applicants herein; that ever since he was a small boy he has resided in the immediate vicinity in which the said Winfield family has resided in the Cherokee Nation, Indian Territory; that he is familiar with the lands and improvements owned and occupied by the said applicants herein; that he knows that they have resided in said nation and occupied said lands continuously; that he knows that none of the applicants herein ever abandoned residence in Indian Territory and took up and established residence at any point outside of said nation and Territory; that affiant knew the times the children of said family were absent attending school, and that during each vacation said children would return to their home in Indian Territory; and that during the greater portion of said times when said children were absent attending school the mother Leah Winfield would remain at their home in Indian Territory and look after and care for the property and effects owned, kept and maintained by said family in said nation and Territory, that the residence of said family in said nation and Territory was continuous and bona fide; and that they still occupy the lands and own the improvements which they have owned, kept, occupied and maintained for many years.

Israel Brown

Sworn to and subscribed before me, this a Notary Public within and for the County and State aforesaid, this 28th day of May, 1908.

(Seal) C. E. [illegible]
Notary Public.

My commission expires the 6 day of [illegible], 1911

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leah Winfield, et al., as Cherokee freedmen, C. F. D. 765.

Protest Against Motion to Reopen.

The representatives of the Cherokee Nation respectfully protest against the reopening of the decision of the Commission to the Five Civilized Tribes, which was rendered on June 30, 1905, and the approval of the same recommended by the Indian Office on July 18, 1906, and the recent action affirmed by the Secretary of the Interior October 26, 1906, for the reason that the records of the Commissioner show that the applicants in this case had ample opportunity to present all the testimony at their command and that they did present such testimony as they could find to support their contention, that they wholly failed in showing that they were entitled to be enrolled under the provisions of the treaty between the United States Government and the Cherokee Nation of 1866.

The representatives of the Cherokee Nation have repeatedly protested, and [illegible] called upon, to protest against the practice involved in by attorneys for applicants of going promiscuously over the country and getting [illegible] affidavits from different parties [illegible] them to their actions to reopen. We believe that this is a bad practice and should not be tolerated by the Interior Department, for the reason that in many instances after the affidavits have been filed, the case reopened and [illegible] have been [illegible] or neglected to [illegible] the witnesses whose affidavits they have attached to the motion, before the Commission [illegible] to sign [illegible] to be the affidavit of [illegible] filed; also a copy of each particular [illegible] affidavit of [illegible] is attached. Again, if every word that is stated in [illegible] affidavit is true, it would [illegible] he knew nothing about the [illegible] until 1906, [illegible] after the time for [illegible] of evidence in the original action under the treaty had expired. There is nothing in the affidavit of Leah Winfield to show that he has any knowledge whatever of the rights of Leah Winfield to the original action.

We, therefore, respectfully request the decision of the Commission to [illegible] be adhered to.

Respectfully submitted.

(Signed) Bill Hastings & Davenport
Attorneys for Cherokee Nation.

5-23-06

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the application of Leah Winfield et al., as freedmen citizens of the Cherokee Nation.

Supplemental Answer on Part of Cherokee Nation.

The record in this case shows that Leah Winfield made application for the enrollment of herself and the minor members of her family on the 19th day of June, 1901, before the Commission to the Five Civilized Tribes, and a decision was rendered by the Commission rejecting the applicants on June 30, 1906. This decision was affirmed by the Secretary of the Interior on October 25, 1906. A motion has been made to reopen said case upon the ground that additional testimony has been discovered, but the motion discloses the fact that the principal witness, namely, Douglass Winfield, is the husband of Leah Winfield and she certainly knew of the facts alleged to be known by him at the present time, his attendance could have been secured at any time upon the sessions of the Commission when his testimony could have been taken. We therefore submit that the motion to reopen should be rejected upon the ground:

First. That no diligence has been shown.

Second. That the testimony of the witnesses would be cumulative.

Third. There is no merity in the case, and the introduction of this testimony would not change the result of the finding.

Upon an examination of the record in this case it will be seen that the Commission to the Five Civilized Tribes in its decision finds:

"The evidence further shows that the minor applicants, together with the principal applicant, Leah Winfield, and her husband, Douglass Winfield have resided continuously in Furness, Kansas, from the year 1888 until 1898 or 1899, and during said period owned property located in said City."

In view of this finding the Commission under the Constitution of the Cherokee Nation rejected the applicants and in discussing this the Commissioner of Indian Affairs concurs in the opinion of the Commission to the Five Civilized Tribes and this opinion was affirmed by the Secretary of the Interior on October 25, 1906.

From an examination of the evidence submitted in the case it will be seen that the Commission and the Department were justified in rendering this decision, because the Cherokee Nation offered in evidence an abstract of title to Lots 7 & 8 in Block 21 in the City of Parsons, Kansas, showing a warranty deed recorded in Book 5 of Deeds page 368, from E. A. Edwards and wife V. M. Edwards, to Leah Winfield, consideration $170., the same dated December 31, 1879 and filed for record January 1, 1880.

The Cherokee Nation also offered in evidence E. A. Adamson, and he testified that he knew the Winfield's; that his home was in Parsons, Kansas; that he had known them continuously for sixteen years; that he had seen them almost every day; that they owned property there; that they lived on Crawford Avenue; and that up until three years prior to the time he gave his evidence, which was on March 7, 1905, he had lived continuously in the Town of Parsons.

With this testimony before the Commission to the Five Civilized Tribes we do not see how the decision could have been other than that rendered on June 30, 1905, and affirmed by the Department on October 25, 1905, and for these reasons, we submit that the motion to reopen should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

7-6-16

E. H. Hughes, Clerk. A. H. McCarty, Deputy.

Office of County Clerk, Labette County.

Oswego, Kansas.

State of Kansas }
}ss
LaBette County }

I, E. H. Hughes, County Clerk in and for the County of LaBette and State of Kansas, Do hereby certify that the Name of Leah Winfield appears on the assessment roll of the City of Parsons for the years 1895, 1897 1898, ~~192~~ 1900 and 1901.

In testimony whereof I have hereunto set my hand and affixed my official seal this 15th day of January 1902.

E H Hughes
County Clerk.

Sarah Winfield ever
married Martin =
married her

in Iola – for a number
of years I seem then
40 – single then – working
woman – Married at Parsons –
since then went – from to
her house & took dinner –
Runs a boarding house

760

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-765.

Muskogee, Indian Territory, February 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Leah Winfield, et al., as Cherokee freedmen, you are hereby advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, at which time you will be permitted to introduce such testimony as you may desire, affecting the rights of said applicants to enrollment as Cherokee freedmen.

Respectfully,

Commissioner.

D Bd

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-765.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Leah Winfield, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. C-12.

(C O P Y)

Refer in reply to the following
Land
51826-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Leah Winfield for herself and her three minor children, Emma, Pleas Douglas, and Blanche Winfield.

June 30, 1905, the Commission decided adversely to the applicants.

The record shows that the minor children were born since 1866 and are the children of Leah Winfield, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she removed from the Cherokee Nation but returned thereto on or before February 11, 1867.

The record further shows that the applicants have resided continuously in Parsons, Kansas, from the year 1889 untill 1901 or 1902, and during that period owned property in that city.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M. (V)

(C O P Y)

I.T.D. 8374-1905
D. C. 49214-1905

Y.P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 25, 1905

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Leah Winfield for the enrollment of herself and her three minor children, Emma, Pleas Douglas, and Blanche Winfield, as Cherokee freedmen, including its decision of the same date rejecting said application.

Reporting July 15, 1905, the Indian office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) A. A. HITCHCOCK

Secretary

1 inclosure.

Cherokee freedmen
D 766

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 2, [illegible]

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated June 20, 1908, rejecting the application for the enrollment of [illegible] Winfield and her minor children, [illegible], [illegible] and [illegible] Winfield, as Cherokee freedmen, was affirmed by the Secretary of the Interior on between [illegible], [illegible].

For your information and [illegible] is enclosed herewith a copy of the decision of the Department which therein [illegible].

Respectfully,

[illegible]

Osborn & Osborn,
Attorneys at Law,
Coffeyville, Kansas.

S. J. Osborn
Roy T. Osborn

June 25, 1906.

The Attorneys,

for the Cherokee Nation,

Muskogee, Indian Territory,

Gentlemen:

Enclosed herewith is a copy of an affidavit in support of a motion, previously filed, to re-open and re-hear in the matter of the application of Leah Winfield et al - C.F.D. 765 - for enrollment as Cherokee Freedmen. Said affidavit has been forwarded to the Secretary of the Interior to be filed with the records in said cause.

Encls.

Respectfully,

Roy T. Osborn
W. J. Sullivan

(Copy)

Lonk
45926-1906
2943-1907

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON.

January 17, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

On May 21, 1906 (I. T. D. 5561-1906), the Department transmitted to the Commissioner to the Five Civilized Tribes, for report and recommendation, a motion to reopen the Cherokee freedmen case of Lonk Winfield, et al.

I have the honor to transmit herewith report of Commissioner Kirby, dated January 5, 1907, with which is enclosed the motion to reopen the Cherokee freedmen case of Lonk Winfield, et al., together with a protest of the attorney for the Cherokee Nation, also a supplemental answer on part of Cherokee Nation, filed July 6, 1906.

The decision of the Commissioner to the Five Civilized Tribes, dated June 30, 1906, rejecting the application of Lonk Winfield for the enrollment of himself and three minor children as Cherokee freedmen, was recommended for approval by said office on July 14, 1906, and affirmed by the Department on October 22, 1906, (I.T.D. 2943-1906).

[illegible]

tion and a part of the time in Parsons, Kansas. The motion is supported by the affidavits of Douglas Winfield, the husband of the principal applicant, and Thomas Harris. Douglas Winfield testified in the case on behalf of the applicants on March 13, 1906.

An examination of the evidence submitted in the case shows that the Cherokee Nation offered in evidence an abstract of title to lots 7 and 8 in block 21 in the city of Parsons, Kansas, showing a warranty deed recorded in Book 5 of Deeds, page 368, from E. A. Edwards and wife, V. M. Edwards, to Leah Winfield, consideration $170.00, dated December 31, 1879, and filed for record January 1, 1880.

E. A. Adamson also testified in this case that he knew the Winfields; that his home was in Parsons, Kansas; that he had known them continuously for sixteen years; that he had seen them almost every day; that they owned property there; that they lived on Crawford Avenue; and that up to three years prior to the time he gave his evidence, which was on March 7, 1906, he had lived continuously in the town of Parsons, Kansas.

In its decision of June 30, 1906, the Commission to the Five Civilized Tribes found that Leah Winfield and her husband, Douglas Winfield, "have continuously resided in Parsons, Kansas, from the year 1880 until 1901 or 1902."

Inasmuch as the testimony of Douglas Winfield would be cumulative and would not change the result of the decision of the Department of October 28, 1904, and inasmuch as it appears that there is no

merit in the motion to reopen, the Office concurs in the recommendation of Commissioner Mixby that the motion to reopen the application of Leah Winfield, et al., as freedmen citizens of the Cherokee Nation, be denied.

The original record in this case was transmitted to the Department with office letter of March 30, 1906.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FMM-FH

(COPY)

D. C. 6299-1907
I.T.D. 1178-1907
LRS

DEPARTMENT OF THE INTERIOR, LLB KLM

WASHINGTON,

January 29, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to the application for enrollment as a Cherokee freedman of Leah Winfield et al., it appears that on June 30, 1905, you rejected said application, and on October 25, 1905, I.T.D. 8374), your action was affirmed by the Department.

On May 28, 1906, a motion was filed by Douglas Winfield, husband of Leah Winfield, deceased, and her children, Emma Johnson, nee Winfield, Fleas Douglas Winfield, and Blanche Winfield, praying for a reopening of said application for enrollment, and accompanied by the protest on behalf of the nation to the granting of the prayer of said petition.

After a careful consideration of said petition, your office reports that it appearing from testimony that the petitioners have resided outside of the nation continuously from 1889 until 1901 or 1902, and that the testimony of the petitioners is unreliable, and the motion without merit, you recommend therefore that the same be denied, in which recommendation the Indian office concurs. A copy of its letter is inclosed.

Your action therein being approved and concurred in by the Department, the motion of the petitioners for enrollment is hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F.R 467.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed in the Cherokee freedman enrollment case of Leah Winfield, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. KJ-73.
KJG

(C O P Y)

D. C. 13300-1907

D.L.M.
L L B

DEPARTMENT OF THE INTERIOR,

I.T.D. 3048-1907
L R S

WASHINGTON.

DIRECT

March 4, 1907

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for review and reopening of the Cherokee freedman case of Leah Winfield et al., filed by attorneys for applicants, is hereby denied, and the papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) JESSE E. WILSON
Acting Secretary.

2 inc. to Ind. Of.

W.C.F. 3/8/07

COPIES IN REPLY TO THIS COMMUNICATION
Cherokee freedman R 467

679

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Leah Winfield et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. O. Rodgers
Acting Commissioner.

Encl. P-4-9

RETURN IN 3 DAYS TO
~~ROY E.~~ OSBORN, ~~T S~~ Sullivan
~~DEPUTY COUNTY ATTORNEY~~,
COFFEYVILLE, - KANSAS.

REGISTERED
AUG 15 1906
COFFEYVILLE

MUSKOGEE, IND. T.
AUG 19 1906
U. S. DIV.

COFFEYVILLE
4 PM
AUG 18
KANS.

The Attorneys,

For the Cherokee Nation,

Muskogee, Ind. Ter.

1780

1780

8-27-6

Cher. Fr. D - 766

Cher. Fr. D - 766

File with William Beeson, C.F. D-764. 766

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19th, 1901.

In the matter of the application of Mary Hudson for enrollment as a Cherokee Freedman; said Hudson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Eaton.
Q How old are you, Mary? A I don't know my age.
Q Well, about how old? A About 50 I guess.
Q What is your postoffice? A Centralia.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three boys, children is all I have got.
Q Are they under age? A No, sir, they are of age.
Q All over age? A Yes, sir.
Q All over 21? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Wallace roll and Shifton roll.
Q Are you married? A I aint now, I have been.
Q What was your husband's name? A My last husband?
Q Yes. A His name was Peter Hudson.
Q Are you Peter Hudson's wife now? A No, sir.
Q Is Peter Hudson living? A Yes, sir, but we don't live together.
Q Did you draw this strip money while you were married to Peter Hudson? A Drawed money?
Q Did you draw strip money? A Yes, sir, drawed the Wallace money.
Q That is all the money you ever drew? A Yes, sir.
Q Under what name did you draw it? A Hudson.

The 1880 Authenticated, the 1896 Census and the Kern-Shifton Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, field, Mary Hudson, Coowescoowee District.

Q Well, you haven't been married to anybody since you left Hudson?
A No, sir.
Q Well, your name is Mary Hudson? A Yes, sir, by my husband; but I thought you was asking me about my owners.
Q How Mary, were you a slave? A Yes sir..
Q To whom did you belong? A Uncle Eaton.
Q Was she a Cherokee citizen, Indian by blood? A Yes, sir.
Q Where were you born? A I was born back in the old Nation.
Q When did you come to the Cherokee Nation the first time?
A Why, it was, I was small when they came, I was a baby, but I have heard my old Mistress say that they came as old settler.
Q You came along with your old Mistress when she came? A Yes sir.
Q Now, Mary, did you go out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where did you go to? A I went South.
Q How far South? A I was taken down there.
Q Where to, Texas? A They sold down there where Peggy lives?
Q In the Chickasaw Nation? A Yes, sir.
Q Well, when did you come back? A I came back in '65.
Q Who did you come with? A I came with my Mist; I had then but the last that we came out with; I don't remember his name. There was a good many of them came out at that time, I don't remember what kind of people they.
Q Where did you come to? A I came, that I came there; go to

there I came to Fort Gibson.

Q You come when you came from Boggy Depot down there in the Choctaw Nation you come to Fort Gibson? A Yes, sir.

Q Well, have you been living in the Cherokee Nation ever since that time? A Yes, sir.

Q Fort Gibson is in the Cherokee Nation is it? A Yes, sir.

Q Well, did you marry after that? A Yes, sir.

Q Whom to? A Peter Hudson

Q Was Hudson the only man you were ever married to?

A No, sir, my first husband that I have got his name was John Beason.

Q Where did you marry John? A I married him down south.

Q ~~That was during the war? A No, sir, just after the war.~~

Q You married him before you come back to the Cherokee Nation?

A Yes, sir.

Q Did he come with you? A Yes, sir.

Q Is he living? A I don't know, sir.

Q Well, who did you marry after that? A Peter Hudson.

Q Have you married anybody since you married Peter? A No, sir.

Q Just had two husbands? A Yes sir.

Q Peter and you separated? A Yes, sir.

Q He has married again? A Yes, sir.

Q Have you got any witnesses here? A Yes, sir.

Q Who? A I got Mr. Grimmett and Abe Hair.

By J. S. Davenport, Cherokee Representative:

Q Mary, where were you living when you can first recollect?

A In Going Snake District.

Q Whom were you living with at that time? A I was living with Susie Bean.

Q Well, did you ever live with any of the Hilderbrands? A Yes, sir, I lived up there at Hilderbrand.s Mill with one of her daughters.

Q Now, Hilderbrands didn't go south with you when you went south?

A No, sir, I was sent south.

Q Did you ever know a man by the name of Aldridge that lived south down in Texas? (No response)

Q This was just before the war broke out, a short time before the war broke out; he lived somewhere about Grayson County, Texas?

A I don't know.

Q Well, did you know any Ezekiel Beck in the Cherokee Nation?

A Yes, sir.

Q Did you know that Ezekiel Beck had something to do with the winding up of the Hilderbrand estate? A No, sir.

Q Don't you remember that Ezekiel Beck sold you to a man by the name of Aldridge and you were married off to the State of Texas before the war broke out? A No, sir.

Q Did you know a man by the name of J. V. Ellis; he married Creek Nation, a relative of the family here, Joshua Ellis? (No response)

Q Did you know that man Joshua Ellis? A I disremember.

Q Well, did you ever live with a man or know anybody in Texas by the name of John Beason, as your husband in the Cherokee Nation?

A Yes, sir.

Q Well, now, I will ask you if you and John Beason didn't come to this country and wasn't you brought here by J. V. Ellis?

A No, sir.

Q Didn't you come with J. V. Ellis when he came to this country?

A I don't know his name, sir.

Q Didn't you come with a man by the name of Ellis? A I don't know his name; I am telling you the truth.

Q Did you come with a white man to the Cherokee Nation back from Texas when you and John Beason came? A Yes, sir.

Q John Beason came with you? A Yes, sir.

Q You had known him from at the time? A Yes, sir.

Q Do you know where he is at the time? A No, sir, I don't.

Q Well, now, ~~xxxxxxxxxx~~ did you and John Beason have any children born at the breaking out of the war? A I had one.

Q Well, now, you remember living in Texas, don't you; where was that child born that you had born at the breaking out of the war?

A He was born down there.

Q Down where, Texas? A Down south, I don't know whether it was Texas.

Q You know when you lived in Texas? A I recollect it.

Q You remember you lived in Texas, whether it was Grayson County or not? A I don't know what county it was.

Q You don't know what town you lived near? A No, sir.

Q Don't know where you got your mail? A No, sir.

Q Y u know that you and Beason were living together as husband and wife when you came to the Cherokee Nation? A Yes, sir.

Q And you were living with some white man when you came back to the Cherokee Nation? A Yes, sir.

Q That was about the year 1871? A I don't know..

Q That was the first time you had been back to the Cherokee Nation, the time you came with Beason and the white man? A I disremember, that has been a long time and I don't recollect; they told me it was '66, I don't know anything about it.

Q Have you ever made more than one trip from Texas up the Cherokee Nation since the war? A (No response).

Q Since you came up with that white man have you ever gone back after that? A No, sir.

By Com'r Needles:

Q Now, Mary you were married to John Beason down there down south?

A Yes, sir.

Q Well, you were grown of course when you married him?

A Yes, sir.

Q Now, don't you recollect whether that was in Texas or not; recollect whether that was in the State of Texas? A Well give me a little time, let me think back; I recollect I was to a place where Texas, but I don't recollect the County.

Q Was there where you were married to Beason? A Yes, sir, I had him there.

Q Well, now, when you come up here to the Cherokee Nation the first time did you ever go back there? A No, sir.

Q You only come up once? A Yes, sir.

By Mr. Davenport:

Q Mary, did you know who the man's wife that came with you from Texas was before she was married? A No, sir.

Q You didn't know that she was Frankie Alberty before she was married? A No, sir.

Q And that she was a sister of Susie Eaton? A No, sir.

Q Didn't you know that the man wife that came back with you from Texas was Frankie Alberty, a sister to Susie Eaton to whom you formerly belonged? A I don't know, no, sir.

By Com'r Needles:

Q You did come back with a white man did you, Aunt Mary; you don't recollect that his name was? A No, sir.

Q Was he married? A Yes, sir.

Q Did he had a family? A Yes, sir, he was only coming out and I wanted to come and had wanted to come and I had no way to come, and this man was going, he went where he lived and said he was coming and John Beason got him to bring me.

Q Did John come with you? A Yes, sir.

Q Is John dead? A I don't know.

[illegible] Sift, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Mr. Sift, what is your name? A [illegible] Sift.

Q Your postoffice? A Wimer.
Q How old are you, Mr. Hair? A About 77 years old.
Q Are you a Cherokee Freedman? A Claim to be, sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Do you know Mary Hudson, the applicant here, or Mary Eaton?
A Yes, sir.
Q How long have you known her? A Well, I guess about 20 years or more.
Q Did you know her before the war between the North and South?
A No, sir, I knowed her mother.
Q What was her mother's name? A Rachel Eaton.
Q Where did her mother live? A Lived on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether Mary Eaton was here was a slave or not?
A Yes, sir.
Q To whom did she belong? A Belonged to Susie Eaton.
Q She was a Cherokee citizen? A Yes, sir.
Q Well, did Mary go out of the Cherokee Nation durin the war?
A Yes, sir.
Q Where did she go to? A Went to Texas.
Q Where did you first see her after the war? A After the war?
Q Yes? A First saw her on Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q That year was that, do you know? A Winter of '66.
Q Winter of 1866? A Yes, sir.
Q Whom was she with when you saw her? A She was living there with some of her acquaintances, her man had left her.
Q Her husband had heft her? A Yes, sir.
Q Who was he? A John Beeson.
Q Did you know John Beeson? A No, sir.
Q Didn't know John Beeson? A No, sir.
Q He left her there on Lightning Creek? A Yes, sir.
Q How do you know that was '66? A Only the statement is all I had.
Q Who made the statement? A The folks there.
Q Said it was '66? A Winter of '66.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir
Q Where did you go to? A Well I went out with the soldiers, I went to Springfield, Missouri, and from Missouri to Kansas and from Kansas back here and backwards and forwards up and down this road.
Q What time did you land back here? A Well, I was here the whole time.
Q During the whole of the war? A Yes, sir.
Q And you are confident you saw Mary Eaton here in 1866 on Lightning Creek? A Yes, sir.
Q You knew her mother you say? A Yes, sir.
Q What was her name? A Rachel.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A She belonged to Eaton.
Q Was her mother taken out of the Cherokee Nation during the war, do you know? A That I won't know; I know she died there.
Q How do you know that Mary was taken to Texas? A Well, she told me.
Q Have you known her ever since that? A Yes, sir.
Q Was she always lived in the Cherokee Nation ever since that time?
A Yes, sir.
Q Did you know of her going back to Texas after she came?
A No, sir.
By Mr. Rosenfeld:
Q You didn't know her at all before the war, did you?
A Not this woman.
Q How did you know it when she returned to? A Her mother told me.
Q I am not asking you what she told you, you don't know it of your

own knowledge? A No, sir.

By Com'r Needles:

Q You say you didn't know Mary before the war? A Knowed her mother.

Q And you didn't know her? A No, sir.

By Mr. Davenport:

Q You don't know whether Mary was living with her mother at the breaking out of the war or not? A No, sir, she was living with her owner her mother said.

Q I am not asking you about what her mother said: her mother isn't living now? A No, sir.

Q You never saw Mary on Lightning Creek in 1866? A I saw her in '65, winter of '66.

Q You knew when '66 came? A No, sir.

Q Now on what part of Lightning Creek did you know her? A Ransom Daniels'.

Q Don't you know that Ransom Daniels didn't live there in 1866? A No, sir.

Q Don't you know that Ransom Daniels didn't move from Grand River over there? A No, sir.

Q Now, then it was after Ransom Daniels moved from Grand river over there? A Yes, sir.

Q You knew who her husband was? A No, sir.

Q You knew John Beeson? A No, sir.

Q When you first saw her how many children had she? A Well, she had all she has got now, I forget how many there is, she had four or five children.

MARY HUDSON, the applicant, recalled: By Com'r Needles:

Q How many children you got living now? A Three.

Q What are their names? A William and Jesse and the oldest two I got is Johnson and Augustus.

Q They are all living? A Yes, sir.

BEN GRIMMETT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ben Grimmett.

Q What is your age, Mr. Grimmett? A I am about 60 or 62.

Q What is your post-office? A Bevels.

Q Are you a recognized Cherokee Freedman? A Yes, sir.

Q Name on the roll of 1880? A Yes, sir.

Q Do you know the applicant here, Mary Hudson or Mary Beeson? A Yes, sir.

Q How long have you known her? A Well, I have known her; I have been knowing her all the time.

Q Well, did you know her before the war between the North and south? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q To whom did she belong? A Batson.

Q Was he a Cherokee citizen? A Yes, sir.

Q Did you know her mother? A Yes, I have seen her.

Q Did you know her mother's name? A No, I didn't know her but I have seed her.

Q Where did Batson live before the war? A Lived in Delaware.

Q Will do you know whether Mary Beeson was taken out of the Cherokee Nation before the war? A No, I don't know that, but she was taken out though.

Q Understand she was taken out? A Yes, sir.

Q You don't know where to? A Texas.

Q Do you know who they she was ever married to out? A Yes, she married Hudson.

Q Well do you know whether she was ever married before she married Hudson? A Well I have heard of it.

Q Did you know a man by the name of John Beason? A Yes, sir.

Q Reputed to be her husband? A That is what it was said.

Q Well, now when was the first time you saw Mary after the war between the north and south? A The first time I seen her I seen her to her daddy's, Jim Beck at Fort Gibson.

Q When was that? A Well it was in the summer some where in the spring of '66.

Q Was her fathers name Jim Beck? A Yes, sir.

Q You saw her at Fort Gibson in the summer of '66? A Yes sir.

Q You knew her before the war did you? A Yes, sir.

Q Well now when you saw her in '66 did you know her and redognize her? A Yes, sir.

Q Who was she with? A Well she was there to her daddy's, I don't know who she was with.

Q Was her daddy living there? A Yes, he was living there.

Q In a house? A Yes, sir.

Q Well, have you known Mary since that time? A Yes, sir.

Q Has she lived to your knowledge in the Cherokee Nation ever since '66? A Yes, sir.

Q How did you know that it was '66, Ben? A Well the reason I know it, when I see people just after I come I know what time I come and pretty soon I seen her.

Q You knew that you had come here in 1866? A Yes, sir.

Q You didn't know anything about her while she was in the State of Texas? A No, sir.

Q Don't know who took her to the State of Texas? A No, sir.

By Mr. Davenport:

Q You don't know when she went to Texas either do you Ben?

A No, sir.

Q You don't know where she was living when the war broke out do you? A She was living in Going Snake.

Q Did you know that of your own knowledge? A She was living there.

Q Well, I want you to say whether she was or was not positively of your own knowledge in Going Snake District?

Q Well, she was there at the beginning of the war; must have been, I used to see her along, they was running the colored people so.

Q How far did you live from them before the war?

A I guess I lived about 15 miles I guess or maybe further.

Q Where were you living? A I lived in Flint.

Q At what place? A With Grimmett, Flint District.

Q What Grimmett? A Willy Grimmett.

Q Did you ever know a man by the name of Ezekiel Beck? A Yes sir.

Q He lived up there in that country didn't he? A Not as I know of, that Beck.

Q Well, did you ever know a man by the name of Wilderbrand, Arra or such a name? A Yes, sir, I have heard of them.

Q Now, this woman belonged to that estate at one time didn't she?

A I could not tell you that.

Q Well who did she belong to when you first saw her? A Selim.

Q Was one of the Selims? A I could not tell that, she went by the name of them.

Q She belonged to Uncle Selim didn't she? A I guess she did.

Q That was something before the war broke out wasn't it?

A Yes, sir.

Q Now, you never knew anything of this woman from the time the war broke out until you saw her at Fort Gibson? A No, sir.

Q When you saw her at Fort Gibson did she had any children?

A I could not tell them as many colored people there.

Q You had a talk with her there about where she had been?

A No, sir, I never seed her.

Q Did she have a husband at that time? A She was here.

War

Q I am asking you what you know about it? A I tell you the fact about it, I see a good many people coming in and we shake hands and didn't talk at all.

Q You could be mistaken that it was in 1866?

A No, I know I come in the spring of '66 and I thinks that about when I see anybody in side of the spring of '66 that is what I go by.

Q Well, now did you ever know Joshua W. Ellis, before the war?

A No, sir.

Q And you don't know where this applicant went of your own knowledge

A No, sir.

Q When was the next time you saw her after you claim to have seen her at Fort Gibson? A Well I tell you after that when I seed her I seed her on Big Creek.

Q Well, how long was it after you saw her at Fort Gibson until you saw her on Big Creek? A I could not say that for certain.

Q Well, was it five years, six years, about how long?

A About a year I guess or maybe longer.

Q The fact is you don't know much about this case, do you, Ben?

A Not a great deal.

Q You just wanted to fix it as '66 you saw her down there at Fort Gibson? A Yes, sir.

Q All you were driving at was that you saw her down here in '66?

A Yes, sir.

Q Now, you know what she was sold to a man by the name of Aldridge before the war didn't you? A No, sir.

Q You don't know who she belonged to before the war do you?

A No, sir.

Q And you don't know whether she was in the Cherokee Nation at the breaking out of the war or not did you? A I don't know.

Q Ben, you are the fellow that has had some trouble down here at Tahlequah about the courts? A I could not tell you that; that is a thing I want answer.

By Com'r Needles:

Q Now, Mr. Grimmett, you knew the owner of Mary Hudson? A Yes sir.

Q Did you know his slaves at that time? A She was a slave at the time.

Q Did she have other slaves? A Had a good many.

By Mr. Davenport:

Q Can you remember the names of any other slaves he owned but this woman? A No, I don't know anything about it.

Q How does it happen that you just remember this woman and just remember any other ones of them? A I remember her, but I don't know it as so long, I didn't keep account, don't hardly know my own children.

MARY HUDSON, the applicant, recalled:

By Mr. Davenport:

Q Mary, which is your oldest child? A Harrish.

Q Where was Harrish born? A She was born down south.

Q In Texas, Arkansas or where? A In Texas.

Q What was the next one? A These two children, do you want all of the children?

Q All of them I want to get their ages as near as I can?

A Well you can get their ages if you will look on the College roll.

Q I would rather take your word for it than the College roll?

A I don't know their ages.

Q You never only called Harrish where was it born and its name?

A Well, sir, I can't tell you, it was back south.

Q What is its name? A Jonathan Johnston.

Q Do you know south? A Yes, sir.

Q Now, which is the next child to John? A Eli Patrick.

Q Where was she born? A Down south.
Q Well, where was William born? A I forget.
Q Is the next one to William Jess? A No I had one next to Jess named Susan and she died and Susan come next.
Q Where were you living when Susan was born? A I was living on Big Creek
Q Where was Jess born? A Jess was born in Going Snake.
Q Before or after the war? A After the war, all of them was born since peace.

By Com'r Needles:

Q You say, auntie, all of your children were born since peace?
A Yes, sir.
Q But three of the oldest ones were born when you lived down south that was in the State of Texas? A I don't know what state it was.
Q You never lived in but one place down south did you? A No sir
Q And they called it Texas? A Yes, sir.
Q And your three oldest children were born there?, A Yes, sir, not far from Red River; you know there is an Indian Nation now, what do you call that?
Q Choctaw Nation. A Born not far from that on the south side of the Red River.

By Mr. W. W. Hastings, Cherokee Representative:

Q I would like if you can be positive where was Willie born?
A I can't think of it.
Q Do you know how old John is? A No, sir, I can't tell my children a e, I don't know how to count or anything like that.
Q How many children did you bring up with you from Texas when you came back after the war? A I think it was two, I think.
Q One died down there? A No, sir, she died over on Big Creek, just before the Wallace, and three of them died.

By Com'r Needles:

Q Did you ever have aby to die in Texas? A No, sir, three of them died on Big Creek.

Com'r Needles: Mary Hudson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1880 or the Kern-Clifton pay-roll, but is identified upon the Wallace roll according to the page and number of the roll as indicated in the testimony. She avers that she was a slave and that she returned to the Cherokee Nation in the year 1866. Reference is made to the testimony. She makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee freedman upon a doubtful card awaiting further consideration of the Commission. The final decision of the Commission will be made known to her by mail.

J. S. Rheem, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. S. Rheem,

Subscribed and sworn to before me this 1st day of July, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of Mary Hudson et al. for enrollment as Cherokee freedmen.

Testimony.

Appearances:
Applicant present in person.
J. S. Davenport, of counsel for Cherokee Nation.

Lucy Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lucy Hill.
Q What is your age? A I guess I am about 50 years old.
Q What is your postoffice? A Nowata.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Do you know Mary Hudson? A Yes, sir, she is my sister.
Q Was she a slave before the war between the north and south?
A Yes, sir.
Q To whom did she belong? A She belonged to the Batons.
Q Did you and her belong to the same family? A No, sir, I belonged to the Becks.
Q Did she go out of the Cherokee Nation during the war or before that time? A Yes, sir.
Q Where did she go? A I can't tell, but she went south.
Q You don't know whether she went into the State of Texas or not?
A No, sir, I don't know whether she did or not.
Q Did you ever hear? A I heard of her on Red River.
Q On which side of Red River? A This side of Red River.
Q When did she return to the Cherokee Nation? A I can't tell just when she returned.
Q When did you see her? A I seen her on Big Creek, about 25 years ago, I guess, or more.
Q Is that the first time I seen her, but then I heard of her being there often.
Q What was the first time you saw her after the war? A Yes, sir.
Q About 25 years ago on Big Creek? A Yes, sir.
Mr. Davenport: You don't know what time she went out before the war, do you, or whether she was in the country when the war began?
A Yes, sir, I saw her in the Nation time of the war, her mother and mine went to Texas together.
Q I am talking about this applicant; was she in the Cherokee Nation at the breaking out of the war? A Yes, sir, I think she was.
Q I want you to be positive? A ~~[illegible]~~ I must know she was.
Q You don't really know where she was at the breaking out of the war? A I saw her at home at the breaking out of the war, where my father was.
Q At whom place was she at the breaking out of the war? A At the time we were getting ready to leave, I saw Mary at Becks old place, in 7 or 8 miles of Wilderbrands' Mill.
Q Was at one time held and to the Wilderbrand estate?, A I don't know whose she belonged to only just the estate.
Q Did you ever know a man named Zeekiel Beck? A Yes, sir.
Q Don't you know how Zeke Beck sold her to a man named Aldridge who took her to Grayson County, Texas, long before the war broke out?
A I don't know, sir, about that.
Q You don't remember anything about that? A No, sir.
Q Did you ever know a Joshua V. Hills? A No, sir.
Q In order that you can remember, he married a sister of Moses Baton
A I have heard of them, but I don't know them.
Q You don't remember anything about that? A No, sir.

Thomas F. Jones, being duly sworn, says that he is stenographer for the Commission to the Five Civilized Tribes to correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Thomas F. Jones.

-12-

Sworn to and subscribed before me this the [illegible] day of June, 1901.

[illegible]
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing and that the same is a true and correct copy from the notebook.

[illegible]

Sworn to and subscribed before me this the 2nd of August, 1901.

M D Green
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of William Beeson for enrollment as a Cherokee Freedman.

William Beeson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Beeson.
Q What is your post office? A Centralia.
Q What district do you live in? A Goweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A I haven't got anyone but myself.
Q Is your name on the roll of 1880? A I don't know.
Q Is it on the any of the Cherokee rolls? A It is on the Wallace roll, yes, sir.
Q Where were you born? A I don't know, sir.
Q Where do you live now? A I live on Big Creek.
Q How old did you say you were? A I don't know sir, I don't know my age.
Q How old are you? A I don't know my age.
Q About how old? A I am between 20 and 30.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined, and the applicant identified thereon, page 117, No. 9464, Goweescoowee district, as Wm. Beeson.

Q You say you don't know where you were born? A No, sir.
Q Where were you living when you can first recollect? A On Big Creek.
Q Cherokee Nation? A Yes, sir.
Q You lived there ever since? A Yes, sir.
Q Well, who do you claim your citizenship through? A My other
Q What is your mother's name? A Mary Eaton.
Q Mary Hudson was enrolled a while ago? A Yes, sir.
Q You the son of Mary Hudson? A Yes, sir.
Q What was your father's name? A They say his name was John Beeson.
Mr. W.W. Hastings, Cherokee attorney: Where did your mother tell you you were born? A I don't know as she ever told me, if she did I don't recollect.
Q Nobody never told you where you were born? A No, sir, not as I know of, I don't recollect, I never did ask.
Q You never made any inquiry? A No, sir.
Commissioner: You know you were living and it didn't make any difference where you were born? A Yes, sir, that is right.
Mr. Hastings: Where have you been living? A On Big Creek.
Q Never been in Kansas? A No, sir.
Q Never went up there? A No, sir.
Q Always stayed home? A Yes, sir.

Commissioner: William Beeson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880, or the census roll of 1896 or the Kern-Clifton roll. He is identified upon the Wallace roll. He says that he is the son of Mary Hudson, who has this day been listed for enrollment as Cherokee Freedman, and the testimony in

the application of the said Mary Hudson will be made part of the record in the application of the applicant and a copy thereof will be filed herewith He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises when arrived at.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 26th of June, 1901.

Commissioner.

File with case of William Beeson, C.F.-D.#766.

Supl.C.F.-D,#764.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARY HUDSON as a Cherokee freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. A. W. McKee, Attorney for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

ZEKE BECK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Zeke Beck.

Q Where do you live, Mr. Beck? A I live at Long Prairie, Delaware district.

Q What is your post office? A Kansas, I. T.

Q How old are you? A I am in my 66th year.

Q How long have you lived in the Cherokee Nation, Mr. Beck? A All my life; that is, I was born in Georgia.

Q And came here with the Cherokees, did you? A Yes, sir.

Q Do you know Mary Hudson, or who was formerly Mary Beeson, or Mary Eaton, the applicant in this case? A I knew one Mary Eaton.

Q When did you know her first? A Well, now, I could not say, I have known her ever since I known anybody nearly.

Q Well, to whom did she belong at the time you knew her?

A She once belonged to my grandmother.

Q Who was she? A Susie Eaton.

Q Well, who did she afterwards belong to? A Ary Helterbrand.

Q Where did Ary Helterbrand live? A She lived in the Cherokee Nation.

Q That because of the applicant, if you know, if she passed out of Ary Helterbrand's possession; just state what you know about it yourself? A Well, Ary Helterbrand died and I administered on the estate and sold her out.

Q What did you say? A I said when Ary Helterbrand died in 1868 I sold her.

Q To whom did you sell her? A I sold her to a man by the name of Aldred.

Q Where did Aldred live, Mr. Beck? A He said he lived in Texas but what county I don't recollect.

Q Do you know what his citizenship was, whether he was a citizen of the United States or Cherokee citizen? A Well, I guess he was a citizen of the United States, I never knew him to live in the Cherokee Nation.

Q Well, did you know whether or not he took the applicant here, Mary, away from the Helterbrand place? A Yes, he took her away from there.

Q When did you next see her, if you have ever seen her?

A I have never seen her since.

MR. McKEE: I understand you to say, Mr. Beck, is it the young man you knew was named Mary Eaton? A Yes, sir.

Q And she belonged to your aunt? A Yes.

Q Now, when was it that you sold her as you claim? A Well, 20 years ago in the spring of '90.

Q For how much did you sell her? A I sold her for a thousand dollars.

Q And you sold her to a man by the name of Aldred? A Yes, sir.

Q And you don't know that she attended school? A No, I didn't know I expect, he changed her name to Hudson.

Q Now, did you know of your own knowledge he lived in Texas?
A No, I didn't, only what he told me.
Q Now, do you know of your own knowledge that the Mary Hudson that has applied for enrollment here before this commission is the same Mary that you sold in 1859? A I do not, I haven't seen her.
Q Would you know that same girl that you sold in 1859 if you would see her? A I don't know whether I would or not, it has been a long time.
Q Have you ever seen this Mary that you sold in 1859 in the Cherokee Nation since you sold her? A No, sir.
Q And you are positive that this Mary that you sold to Mr. Aldred, that he carried her to the state of Texas? A He carried her off of my place.
Q You don't know whether he carried her out of the Cherokee Nation or not? A No, sir.
Q Or do you know whether he sold her to any citizen of the Cherokee Nation? A No, sir.

COM'R NEEDLES: Did you know Lucie Eaton? A Yes, sir.
Q Who was she? A She was my grandmother.
Q She was a Cherokee citizen? A Yes, sir.
Q Did she own this girl? A Yes, sir.
Q She was the woman whose estate you administered on? A No, sir, that was her daughter, Mary.

MR. DAVENPORT: Did she have more than one girl named Mary? A No, sir.

COM'R NEEDLES: You say you don't know what he did with her after you sold her? A No, sir.
Q You don't know whether he sold her or not? A No, sir.

J. W. ALBERTY, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A J. W. Alberty is the way I sign it.
Q Where do you live, Mr. Alberty? A I live in Goingsnake district.
Q How old are you? A 67 years old.
Q Did you ever know a colored woman, or girl, by the name of Mary Eaton? A Yes, sir.
Q Did you ever know her by any other name, or you just knew her by Mary Eaton? A Yes, she was in the division of the property, she went to Mary Holbertstand.
Q When was that, before or after the war? A Before the war.
Q Well, do you know where she was at the breaking out of the war, Mr. Alberty? A Well, no, I could not say where she was at the breaking out of the war, she was not in the country or anywhere near about here.
Q You spoke of a division of property, what did you mean by division of property, covering the whole property in all I have for?
A Of the Darby property.
Q Of which property? A Darby property.
Q And the daughter, she went to Mary Holbertstand? A Yes, sir.
Q Well, have you some good Mary Eaton, or whatever you have called her, since the war? A Yes, sir.
Q What was her name, if you knew by that name why you knew when you saw her after the war? A Mary Eaton.
Q Do you know whether she had a husband after the war? A No, sir.
Q What was his name? A John Eaton.
Q Where did you live any time after the war? A The first I saw of her, I was at Kalsah and then to Tahlequah and she came and [illegible] and [illegible] and [illegible]

before she was married to a man by the name of Beeson, and he brought her up to our neighborhood and lived there three or four years.
Q That is the Beeson family of W. Ellis? A No, the Beeson family.
Q Did they have any children? A I think they had one or two, I don't recollect.
Q Now, when was that as near as you can tell, that you met Mr. Ellis? A It was in '72.
Q That was Mr. Ellis' first name? A J. W. Ellis.
Q Do you know his given name? A Josh Ellis.
MR. McKEA: Mr. Alberty, when was it you say you first became acquainted with Mary Hudson? A Well, I don't know her by that name at all.
Q Mary Eaton? A Mary Eaton; well in, I first become acquainted with her, it must have been about 1847 or '8; '41 or '2, when I was just a boy, she was raised in the neighborhood right where I was and I was raised in the neighborhood right where she was.
Q Was she a grown woman in 1847? A No, sir, she wasn't near grown when I first knew her.
Q Did I understand you to say that you knew of her having been sold before the war? A No, sir.
Q What did you say became of her during the war? A Well, she was in the division of what I call the property, she went to Ary Helterbrand; she was willed from Susie Eaton to Ary Helterbrand.
Q Willed from Susie Eaton to Ary Helterbrand? A Yes, sir, Susie Eaton was Ary Helterbrand's daughter.
Q What was Susie Eaton's citizenship? A She was a Cherokee.
Q Was Ary Helterbrand a Cherokee? A Yes, sir.
Q Well, do you know what became of her after she went out of the hands of Ary Helterbrand? A No, sir, only what I heard.
Q When did the division of the estate? A Well, sir, it was in about '55.
Q How long after the division of the estate did Mrs. Sarah Helterbrand die? A Well, short time, it wasn't very long.
Q About the same year? A No, sir, only a short time, it was in '57 I guess.
Q Well, do you know who was the administrator of the estate after her death? A Yes, sir.
Q Who? A John Peck.
Q Well, was Mary, the applicant, still the property of the estate of Mrs. Helterbrand then, when Mr. Peck became administrator of the estate? A Yes, sir, I saw the advertisement, he made an advertisement to make a division of the estate.
Q After Mr. Peck became administrator of the estate you don't know what became of Mary? A No, sir, I saw he had her advertised for sale.
Q You don't know whether any sale took place? A No, sir, I guess there did, I never saw her any more.
Q That is your knowledge of it? A Yes, sir.
Q Now, where was it you first saw her after that in 1872?
A Well, you want me to tell the particular place?
Q Yes, sir. A Well, I met them on the road, on what is called the west Gibson road, down below my house about six or eight miles and he was coming in from Texas and he was very familiar and he hollered to me of I knew those people.
Q Now, do you know where Mary Ellis was in 1900? A No.
Q Do you know where she was in 1877? A No.
Q Where? A She was right there in Tahlequah district in 1872.
Q Now, first she was in 1900. Do you know where she was?
A No, I don't know.
Q Did you know where she was in 1877? A No, sir.
Q Well, have you seen her in the Tahlequah district since 1872?
A Yes, I saw her right there, she lived right there about twenty four or five years after I first saw her, lived right there in Tahlequah.
Q Now,
Q Mr. Alberty, have you ever been arrested for murder? A No, sir.

J. W. ELLIS, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Ellis.

Q Where do you live, Mr. Ellis? A I live out here about ten miles on the Coffeville road.

Q What is your is your post office? A Vinita.

Q How old are you? A I am 77 years old.

Q Where were you living at the breaking out of the Civil war, Mr. Ellis? A I was living in Missouri.

Q Did you go south during the war? A Yes, sir.

Q To what state did you go? A I went into Wood County,

Q What state? A Texas.

Q How long did you reside in Texas after the war, Mr. Ellis?

A Well, let me see, I came back to Fayetteville, Arkansas, in '68, I think, sir, as well as I recollect.

Q Did you ever return to Texas after that time? A Yes, sir, several times. Q While you were in Texas or back and forth to Arkansas and Texas did you get acquainted with a colored family by the name of Beeson? A I did, sir.

Q Do you remember the husband's name? A John Beeson.

Q What was his wife's name? A I think he called her Mary as well as I recollect.

Q Where were they living when you first get acquainted with them, Mr. Ellis? A When I first got acquainted with John Beeson he was at the Salt works [illegible], but his wife, I never got acquainted with her until 1871 or '2, when I returned from Texas and I met John and he had this woman with him and he wanted me to bring her back to Arkansas.

Q Where did you meet them? A That was there in Hunt County, or Wood county.

Q Was his wife with him when you met him? A Yes, sir.

Q Now, where was the Salt works that you speak of having known John prior to knowing his wife; what State or County? A It was in Texas.

Q About when did you first known John? A That was the first I knowed of him was in about '62, I made salt with him, I employed him to make salt.

Q When did you leave or move away from there, from where John was working? A I moved away from there in '68, about that time and went back with a load of fruit trees and found John on the road and he asked me to take him back, I knewed him very well and knowed his master.

Q Who was his master? A His name was Beeson.

Q Where did he live? A He lived in Missouri.

Q Do you know whether or not he lived in Missouri at the breaking out of the war? A Yes, sir.

Q Now, you met John and his wife down there, did they come back with you then? A They came back with me then to Doingsnake district.

Q That was in what year? A I think it was in '72 or '2.

Q Well, have you ever seen them since you brought them back?

A I have seen John of them but I never have seen her.

Q Do you remember any of the children's names at that time, or his [illegible] it been so long you have forgotten? A No, sir, I don't remember.

MR. MOTLEY: Now, Mr. Ellis, you have a man down in Texas by the name of John Beeson? A Yes, sir.

Q And he had a wife by the name of Mary? A She claimed to be by the name of Mary, I seen them.

Q Now, is this Mary making application for enrollment before this commission the same Mary that had been the [illegible] of this man here in Texas? A I could not tell you for I didn't see her name, I don't know that I could know her if I could see her

Q And you don't know to whom this Mary belonged before the war, do you? A No, sir, I don't.
Q You don't know where she was during the war, do you?
A No, sir.
Q You don't know of your own knowledge whether she ever went out of the Cherokee Nation during the rebellion between the north and south, do you? A No, sir, I don't know anything about the applicant; I know that John Beeson-
Q I am not speaking about John Beeson; you don't know whether or not if she went out of the Cherokee Nation, whether or not she returned in the year 1866, do you A No, sir, I don't know about that.
Q And that Mary that was the wife of this man, John Beeson, you don't know whether she is dead or alive do you? A No, sir.
T. DAVENPORT: I wanted to ask you, Mr. Ellis, do you know Mr. Jack Alberty? A Yes, sir.
Q I will ask you if you remember at any time along the trips you were making there going to texas or from Texas about the time these people came with you, of meeting him anywheres? A Yes, sir, I met Mr. Alberty as I was coming back from Texas and he asked me-and I stopped to talk with him, and I asked him if he know these negroes and he said he didn't know whether he did or not, and he went up to the wagon and said that was the negro woman that belonged to Eaton.
Q He recognized her as being the woman ~~ha~~ that belonged to Mary Eaton? A Yes, sir.
T. McPHA: That was the Mary that was with you?
A Yes, sir.
Q You don't know whether that was the Mary or not that came back to the Cherokee Nation and stopped down here about Doggy Depot?
A No, sir, I don't know anything about the Doggy Depot.

Com'r Needles: This testimony will be made part of the record in the original case and also part of the record in doubtful cases #764, #783, and #972.

---oooOOOo---

J. O. Beeson, being first duly sworn, states that as stenographer to the commission to the five civilized tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

F.D 766

Proof of service made
and original filed with the

Proof of service made
and original filed with the
[illegible] COMMISSION.
OCT 3 1941

NOTICE!

IN THE MATTER OF the application of William Beason
for enrollment as Cherokee Freedmen:
Case No. F. D 766

To William Beason Centralia I. T.

~~You are hereby notified that the Cherokee Nation will present before the United States~~ Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

C B Bell

M. M. Hastings

E. A. Dampeer

Attorneys for the Cherokee Nation.

Cher. Fr. D 167

Cher. Fr. D. 167

File with Rufus Ross, Doubtful Cherokee Freedman. 167

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Steve Looney for the enrollment of Dave Ross as a Cherokee Freedman, for the enrollment of two children as Cherokee Freedmen, and for the enrollment of Dave Ross' wife, Nancy Ross, as a Cherokee Freedman by intermarriage; both Looney and Ross being sworn by Commissioner C. R. Breckinridge, and examination conducted through Steve Looney.

I. P. Bledsoe, Agent for Applicant.

Q Give me your full name? A Steve Looney.
Q How old are you? A About 58.
Q What is your postoffice? A Coffeyville.
Q What is the name of this applicant here? A Dave Ross.
Q Is he your step-son? A Yes sir.
Q He can't talk, I believe? A Hit to understand; he cannot talk well.
Q I will conduct the application through you? A Yes sir.
Com'r: Dave Ross can hear, but cannot speak as to be understood. His assent will be obtained when seemed necessary in the course of the examination.
Com'r of Applicant: Is your name Dave Ross? A Yes.
Com'r of Looney: How old is Dave Ross? A He was born before the war. He must be about 48 or 49 years old.
Q Was he a slave in the Cherokee Nation at the time the war came on? A Yes sir.
Q Who was his master? A John Ross; he was Chief of the Cherokee Nation at that time.
Q Old Chief John Ross? A Yes sir, old Chief John Ross.
Q Has Dave Ross any family? A Yes sir.
Q Has he a wife? A Yes sir.
Q How many children? A Five.
Q Does he want to apply for his wife and children? A He wants to apply for two, the other three are grown.
Commissioner of Applicant: Dave Ross, that is right, is it? A Yes.
Q Is your wife a Cherokee Freedman of her own right? A No.
Q She is a state woman, is she? A Yes.
Commissioner of Looney: How long has Dave Ross lived in the Cherokee Nation? A I brought him with me when I come; he was in my family, a girl and a boy.
Q When was it you claim to have brought him to the Cherokee Nation? A I come in the fall of '66.
Q When was it you first heard of the treaty of '66? A That was along - I don't know, it might have been a year after the war was over - something about a year; somewhere along there.
Q How long after the treaty was it before you heard of it? You didn't hear of it before the treaty? A Oh no, a week or so after the treaty when the news got in.
Q How long after the treaty was it before you came to the Cherokee Nation? A It wasn't very long. We came right away or soon as we could.
Q You stated a while ago you came to the Cherokee Nation - year or such a matter after you heard of the treaty - you gave that in your testimony in the Doney case - have you anything now to say about that? A No sir, I thought that was about the right time, about a year or so.
Com'r: Your testimony goes with your own statement.
Q Bill, you brought this man here along with you then? A Yes sir.
Q About how old was he at that time? A I couldn't really tell just about how old he was.
Q Was he a grown up man? A No sir, he was a good sized boy.

Q You think he was considerably less than 21, do you? A I don't think he was 21.

Q Has this man Dave Ross lived in the Cherokee Nation ever since he came back with you? A No sir.

Q Where has he lived? A Yes sir, where he lives now he has been making his home most of the time: when he was sick he would go to his doctor.

Q Where is his doctor? A He would go sometimes to Fort Scott.

Q How long has he been sick? A He has been sick I couldn't tell - for a good many years - never was a healthy man - all his life.

Q Where has he made his home principally? A At my place on the river there.

Q On the Verdigris? A Yes sir.

Q For how long a time would he go off? A Sometimes for a month, or a week, or two weeks sometimes.

Q Give me the name of his wife? A Nancy Ross.

Q How old is his wife? A I think she says she is 47 or somewhere along there.

Com'r of Applicant: Is that right, your wife is about 47? A Yes.

Com'r of Looney: Is his wife a Cherokee Freedman of her own right, or intermarriage? A Intermarriage.

Commissioner of Applicant: Dave Ross, she is a state woman, is she? A Yes.

Commissioner of Looney: Has he a certificate of marriage? A No sir

Q When was he married to this wife, Nancy? A It has been about 27 years; somewhere along there.

Com'r of Applicant: Dave Ross, were you ever married except to this wife? A (Shakes his hand No).

Q Was she ever married except to you? A No.

Q Have you and she lived together ever since you were married? A Yes.

Com'r of Looney: Now, give me the names of these two children for which he applies? A Hattie Ross.

Q How old is Hattie? A She is 16 years old.

Q The next child? A 15.

Q What is her name? A Effie Ross.

Q Are these children both living now? A Yes sir.

Com'r of Applicant: Now Dave Ross, are these your children and your present wife's? A Yes.

Com'r of Looney: Do you know where this child Hattie was born? A She was born on the river down at her grandma.

Q Where was Effie born? A At the same place.

Q Both in the Cherokee Nation? A Yes sir.

Q Dave Ross has several other children older? A Yes, sir, three.

Q Where were they born? A They were born there.

Q All were born in the Cherokee Nation? A Yes sir.

Com'r of Applicant: Dave Ross, is it true that you and your wife were married about 27 years ago? A Yes.

The land authenticated roll, and the land census roll examined and the names of the applicants not found thereon.

The Tama Clifton Roll examined and the names of the applicants are identified thereon as follows:

Page 143, No. 3901, Dave Ross, [illegible] District.
Page 143, No. 3902, Hattie Ross, [illegible] District.
Page 143, No. 3903, Effie Ross, [illegible] District.

Q You are not on the Vallom Roll? A No.

The Vallom Roll examined and the names of the applicants not found thereon.

Q Your children are not on the Vallom Roll? A No.

Com'r of Looney: Can you explain why this man is not on the roll of [illegible] and the Tama Clifton Roll? A He asked to be put on the roll.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

tried to give all the information we could, but they just wouldn't take him on.

Q Did he go to the Cherokee Court in '70 or '71 and try and get the Court to give him his right? A He didn't go; I went for him.

Q Did you apply for him? A I went and seen Chief Bushyhead.

Q You had a talk with Chief Bushyhead, did you? A Yes sir, and he told us to go back home and get to work.

Q Did you do that? A Yes sir, and been working thereever since.

Q Were you talking to Chief Bushyhead in doors or out doors?

A Out doors.

Q You didn't go before the Court? A No sir; we thought it was no use; he told us it was no use.

By I. P. Bledsoe: Has he got any permits - did he ever employ anybody? A No, he never employed anybody; he mostly made his home with me.

Q Did he ever vote in the Cherokee Nation? A Yes sir, he voted.

Q Do you know positively how long it was after that treaty that you came back here - you stated a while ago that you came back about a year after that time, and you stated positively that you came here in the fall of '66, I want the Court to thoroughly understand why you make that difference. Do you know when the treaty was made of your own knowledge? A No sir, I do not.

Q Do you know positively when you came back here? A Yes sir, it was in the fall of '66 when we come back.

Q Did Dave come with you? A Yes sir.

Q Who else came with you in that crowd, Dave and you? A Tobe Looney, Pasu Fox, Joe Ross, Nelson Murrell.

Q Dave has resided in the Cherokee Nation ever since he came back except to go out and be doctored? A Yes sir.

J. T. Davenport, Cherokee Attorney: Steve, Dave lived how long at Fort Scott after you came back from here? A He didn't live there very long.

Q How long did he live there after his first child was born? A I couldn't say; he didn't live there.

Q Well, the first child was born in Kansas wasn't it? A No sir.

Q The second child was born in Kansas? A No sir.

Q And all the children he has were born in Kansas weren't they?

A No sir.

Q What did you say a while ago when you said he lived in the Cherokee Nation except when he was off to a doctor? A Like any other man, if he wanted to go to a doctor he would get up and go.

Q Where did he go to his doctor when he would go? A Up to Fort Scott.

Q When he would go was his family with you or was his family in Fort Scott? A His family would be with me most of the time, and sometimes at Fort Scott.

Q Has his family lived for a number of years in the State of Kansas? A No sir.

Q And you state positively that all of his children were born in the Cherokee Nation? A That's right.

The applicant applies for the enrollment of himself, his wife and two minor children. The applicant is married in accordance with the Cherokee Nation by the Cherokee Nation, and his application is presented jointly through his stepfather, Steve Looney, and the applicant is called upon at essential points to assent or dissent to the testimony, which he answers the usual sign of a nod or a shake of his head. It appears that the applicant was a citizen in the Cherokee Nation and the child of a Cherokee citizen at the time of the dissolution of the tribal government. He is identified as the Dave Milner here, and appears to have been enrolled and been all the other roll, and he has never been enrolled to citizenship by any court or commission. He

stepfather states that he brought the applicant back to the Cherokee Nation from Kansas after the war, and affirms that he came in the fall of '66, but further states that he came about one year after he first heard of the treaty of 1866, and that he did not hear of that treaty until after its ratification. It seems that the applicant has been an invalid for many years and has had occasion at least to return to Kansas for medical treatment, but so far there is no conclusive evidence that he has returned to the State of Kansas in a way to invalidate any right of citizenship that he may have otherwise possessed. His age is now given as 48 or 49 years, and his right to enrollment at this time, even assuming that he returned from Kansas more than six months after the ratification of the treaty of 1866, should be considered in the light of his status at that time as a minor, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of his case will be made known to him at his postoffice address. His wife is a state woman; neither he or she was previously married, and it is shown by satisfactory personal testimony that they were married some 27 years ago, and have lived together ever since their marriage. None of the intermarried state women with Cherokee Freedmen have been admitted to enrollment, but she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the consideration of her status under the claim of intermarriage; and the final decision of the Commission will be made known to her at her postoffice address. The two children for whom application is now made, Hattie and Effie Ross, are minors, and are identified on the Kern Clifton Roll, but not upon the Wallace Roll; they are respectively, 16 and 13 years of age. They will now be listed for enrollment as Cherokee Freedmen on a doubtful card for the final determination of the status of their father, through whom alone they claim, and the decision of the Commission will be made known to their father at his postoffice address. These two children are not identified on the roll of 1896.

The undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony the proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. C. Rothenberger.

Subscribed and sworn to before me this 6th day of June, 1901.

Signed, C. B. Cooley,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he typed the foregoing, and the same is a true and complete copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 24th of July, 1901.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of Rufus Ross for enrollment as a Cherokee Freedman.

Appearances:
Y. F. Bledsoe, agent for applicant;
F. S. Dunsmore, Cherokee Attorney.

Rufus Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rufus Ross.
Q How old are you? A 24.
Q What is your post office? A Gaffeyville.
Q In what district do you live? A Goweesewowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A No, sir.
Q What rolls? A I don't know sir what rolls it is.
Q Are you married? A No, sir.
Q What is your father's name? A Dave Ross.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Nancy Ross.
Q Is she living? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
Q Did you ever draw any money from the Cherokee Nation? A Yes, sir.
The Kern-Clifton roll examined, and the applicant identified thereon, page 142, No. 2541, Goweesewowee district.
The Wallace roll examined and the applicant not identified thereon.

Mr. Bledsoe: Rufus, where have you lived since you were enrolled?
A Up on Verdigris River.
Q In the Cherokee Nation? A Yes, sir.
Q You live there now? A Yes, sir.
Q You have never lived anywhere else but in the Cherokee Nation?
A No, sir.
Q Earlier than? Where were you born? A On the Verdigris River, and in Cherokee Nation.
Q Was Nancy Ross applied to be enrolled, your mother? A Yes, sir.
Q Dave Ross? A Yes, sir.

Phoebe Patterson, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Phoebe Patterson.
Q How old are you? A Grown up.
Q What is your post office? A My post office is Muskogee.
Q Do you know Rufus Ross, the applicant here? A Yes, sir, I know the applicant.
Q Do you know his mother and father here? A I know his mother and father.
Q Are they living? A I don't know if they are living or dead.
Q Where do you reside? A I reside with my husband.

Rufus Ross - 2.

Q Do you know where he has lived? A Yes, sir, when I seen him he was with their grandmother, Peggy Ross.

Q Thereabouts? A Down on the River.

Q Cherokee Nation? A Yes, sir.

Q When did you see this child? A Well, it was in 1880.

Q Along about 1880? A Yes, sir.

Q You don't know anything about where he lived up to that time?

A No, sir.

Q You don't know whether they or their people were living when they were born? A I know where his grandmother lived.

Q I am speaking about where his mother lived when he was born?

A No, sir, I don't know anything about them until I saw them out at my brother's house.

Q How far did they live from you? A I guess it is about 15 miles; I lived on Cabin Creek and they lived on Verdigris.

Q Is he a married man? A No, sir, not as I know of.

QQ Does he live with his grandmother yet? A Yes, sir, when I saw him he was there.

Q How long since you were up in that country there? A I was up there last year; my brother lives there.

Q Do you know where they get their mail? A At that little station, I don't call the name of it, there on Possum Creek I guess.

Q They don't live in Coffeyville then? A No, sir, their mother lives out there close to my brother's house on the hill.

Mr. Bledsoe: Do you know when Dave and his mother came to this country? A No, sir.

Q You don't know when he came back? A No, sir I don't know when he came back here, but I know when they started from there.

Q From where? A Fort Scott.

Q When was that? A It was a little after the '66 treaty.

Q And they started from there to do what? A To come to the Nation.

Q You came down to the Nation yourself, didn't you? A Yes, sir.

Q When, what time? A Just after the treaty was made.

Q These people then started from Fort Scott as I understand you to come to the Nation at the same time you did? A Yes, sir, we came down here on Grand River and they went a nearer place.

Q And Dave Ross, father of this boy, was in the crowd? A All of them was together.

Q What do you mean by all of them? A My mother there, he was a Looney, then, his mis'ress is name Eliza Looney, she owned us all.

Q She also was in that crowd, together Steve Looney and you, and Dave; was Tobe Looney in the crowd? A Uncle Tobe Looney and Steve and Peter Williams, and they all assumed until we and we went around by Vinita, and they came on around this way, and I took a place on Cabin Creek.

Mr. Davenport: Did you come by Chetopa as you came from Fort Scott to the Cherokee Nation? A Yes, sir.

Q That also place was Chetopa then? A It was a small place, there was a lot of Cherokees there then.

Q Was the railroad running there then? A No, sir, it didn't.

Mr. Bledsoe: Do you know Mrs. Campbell has got a daughter named Cherrill, Tobe Looney got a daughter named Elliott-Campbell?

A Yes, sir.

Q Do you know whether she is on the last roll or not?

A I don't know.

Mr. Davenport: At the time this boy's father started from Fort Scott, do you know the time they had this killing over here down there?

A No, I didn't quite know the exact of that, they came down to Fort Scott and we came this way.

Q Was he from the other big house around Military Park and [illegible] back in the neighborhood? A Yes, I did know [illegible]

that.

Q How long has you been here? A I can't tell you.

Q Are you on the 1880 roll? A Yes, sir, I am on the 1880 roll, I drew with you Cherokees, you know it.

Q You think you have as much right to be on the roll and draw money than as I have? A Well you put me there, you Cherokees.

Steve Looney, being duly sworn and examined by Commissioner Meadles, testified as follows:

Q What is your name? A Steve Looney.

Q What is your age? A 28.

Q Whatis your post office? A Tahlequah.

Mr. Bledsoe: Do you know Rufus Ross? A Yes, sir.

Q Who was he the son of? A Dave Ross.

Q This Dave Ross have any other children besides Rufus? A Yes, sir

Q What were their names? A Why Della.

Q Those that haven't been enrolled is what I mean, that are over 21 years of age? A Della.

Q Della what? A And Pearl.

Q What is her name now, Della, but what is her other name? A I forget her other name.

Q They are children of Dave Ross? A Yes, sir, they are children of Dave Ross.

Q Do you know where they have lived? A Yes, sir, lived there on the Verdigris.

Q Do you know whether they were born in the Cherokee Nation or not? A Yes, sir, born in the Cherokee Nation.

Q All three of them? A Yes, sir.

Q They were raised up here in the Cherokee Nation? A Yes, sir, raised up here.

Mr. Brewster: Steve, how old is this boy? A He can tell you anything about him.

Q Who was his mother? A Why his mother, they called her Bunch.

Q Where did she live? A Was live down on the Verdigris.

Q Does his mother and father live together? A Yes, sir, they all live together.

Commissioner: Know whether Dave and Bunch were ever married or not? A Yes, sir.

Q How do you know that? A Why I guess they got married.

Q Bunch is a full blood, is she? A Yes, sir.

Commissioner: Rufus Ross makes for the enrollment of himself. He is not identified upon the authenticated roll of 1880 or the census roll of 1890, but does by roll proof the Dawes-Citizen roll. He makes satisfactory proof to the residence. He proves that he is the child of Dave and Bunch Ross, who are living for enrollment as a full blood, and the testimony shows in a id case of Dave Ross will be made part of the record in the case of Dave and a copy thereof filed herewith. He will be listed for enrollment as a Cherokee Freedman by a [illegible] to be made. He will be entitled to all of the benefits of the Cherokee Nation.

Dave Ross, being duly sworn, was used as a witness in the proceeding to the Five Civilized Tribes in Muskogee, Indian Territory, on the 19th day of July, 1907, and testified as follows:

Q What is your name? A Dave Ross.

Q What is your age? A 28.

Q Where do you live? A Tahlequah.

Q Are you the father of Rufus Ross? A Yes, sir.

Q Who was his mother? A Bunch.

Q Is she living? A Yes, sir.

Q Where does she live? A Tahlequah.

Q Are you married to her? A Yes, sir.

Q When were you married? A Why I don't know.

Q Are you married to her now? A Yes, sir.

Q Do you know whether Rufus was born in the Cherokee Nation or not? A Yes, sir.

Q Do you know whether he

File with Cherokee Freedman D-767, Rufus Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Davis Ross for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
I. P. Bledsoe, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

WILLIAM MARGRAVES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A William Margraves.

Q Where do you live, Mr. Margraves? A Fort Scott, Kansas.

Q What is your age? A My age is 87 years.

Q How long have you lived at Fort Scott, Kansas? A Since 1854.

Q Since you been living at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Oh yes, very well.

Q About when did you get acquainted with him, about what year? Oh I can't tell without going back, but I am satisfied I have known him well for the last 25 years.

Q Do you know whether or not he is living at Fort Scott now? A Well I see him every few days, he is driving a wagon or something of the kind, I saw him just two or three days ago.

Q Do you know for whom he has been working there at Fort Scott, Kansas? A He worked a number of years, must have worked at least fifteen years, for I. Stadden Grocery Company.

Q That is a wholesale house, is it? A Yes, sir, wholesale grocery.

Q Did Dave Ross have a family, Mr. Margraves? A I understand so but I never knew his family.

Q Well, do you know whether or not he participated in the elections there at Fort Scott? A Well I don't remember, I can't say as to that.

Mr. Bledsoe: Do you know where Dave Ross was living during this time, do you know that he had a home down here or up there or not?

A Down here, no, sir. I don't know anything about that.

Q You don't know where his family was? A I don't remember that I knew his family; my understanding was that he had a family, but I don't really remember, because I had no interest in things of that kind and paid no attention.

Q Don't know anything about who his family was? A No, sir, I can't say.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Forbes.

Q How old are you? A I am 56.

Q Where do you live? A We live at Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 13 years.

Q Since you been living at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Yes, sir.

Q How long ago, or about how many years ago did you get acquainted with him? A Well anyhow it is 10 years. I think it is more than that.

Q Do you know anything as to his being married? A Yes, sir.

Q Did you ever know his family? A Well, I didn't particularly acquainted with them, I knew about them and where they lived.

Q Do you know anything as to his being engaged in any work of any kind around Fort Scott? A Yes, sir.

Q For whom did he work, if you know? A For Isaac Stadden Grocery Company, a wholesale Grocery Company.

Q About how long did he work there? A Well, he must have worked there 15 years or thereabouts, but I think it is more than that.

Q Do you know whether or not when they would have elections up there that Dave voted or took any part in the elections? A I have no personal knowledge of that.

Q Do you know whether or not Dave Ross is here this morning? A I think I saw him just as I came in here (indicating applicant).

Q Is that the Dave Ross that you knew at Fort Scott? A Yes, sir.

Q About how long since you have seen him at work up there around Fort Scott? A Well I think it is, I missed him about six years ago, I thought he was dead, but he don't happen to be, I have no recollection of seeing him for about five or six years.

Q And you don't know of your own knowledge whether he voted up there or not? A No, sir, I don't.

Q Did he at any time have any sickness or affliction up there that you remember? A While he was living at Fort Scott?

Q In his family; did he himself become afflicted in any way? A No, never knew Dave to be afflicted with anything, his boy I think had his leg chopped off by the cars one time, I think, but so far as Dave is concerned himself I didn't know there was ever anything the matter with him.

Mr. Bledsoe: Do you know where his family was during that time?

A Well all the time I don't, I used to pass backwards and forth there pretty often but I never knew any more about his family than I would about anybody else's family.

Q All you know, you saw him working around there?

Commissioner: When did you first know Dave Ross, become acquainted with him? A Well sir, I think that I knew Dave back as early as '72, I think so, but I wouldn't be positive.

Q You didn't know him before '72? A No, I didn't.

Q You have known him since '72? A Yes, sir.

Q You don't know where he was in the year 1860? A No, sir.

Q You know whether he was a slave or not before the war between the North and South? A I do not.

Q Do you know the name of his wife? A No, sir.

Q Know how many children he has got? A I do not.

Q Was he living in 72 in Fort Scott, Kansas, with his family?

A Well, I think so, I wouldn't be positive about '72.

Q Well, about that time? A About that time, yes.

Q You know where his children were born? A I think they were born in Fort Scott, all that I know of them, I am under the impression that he had three, I am not sure of it.

Q How long since you lost the run of him, how long since you missed him from there? A About five or six years ago.

Q You know where he lived in the year 1896? A About six years ago?

Q About three years ago that was? A Well I don't think he was in Fort Scott at that time.

JAMES DRYDEN, being duly sworn by Commissioner Bradley, testified as follows.

Mr. Davenport: What is your name? A James Dryden.

Q How old are you? A 65.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Since '68 or '69, along about the end of '68.

Q Well since you have been living at Fort Scott, Kansas, did you get acquainted with a colored man by the name of Dave Ross? A Yes, sir.

Q Where was he living, if you know, when you got acquainted with him? A He was living down in the bottom.

Q Was Dave Ross Negro? A He lived in Fort Scott, in town.

Q Do you know Dave Ross if you could see him? A Yes, sir.

Q I wish you would look and see if that is the man you saw in Fort Scott, Dave Ross (indicating). A Name is Dave Ross here (indicating applicant.)

Q Well, what was he doing up there, if you know? A He was working for the I. Stadden Grocery Company.

Q You know there his family lived? A Yes, sir.

Q Do you know whether or not he had any children? A Yes, sir.

Q Did you ever learn his wife's name? A No, I know his wife when I saw her.

Q Well, how long did he continue to live at Fort Scott, if you know? A About '95 or '6.

Q He lived there then to '96 or '6? A I think it must be '94, might have been, but I think it was '95 or '6.

Q Well, do you know whether or not his children went to school there? A Yes.

Q It was in '81 or '2 as I understand when you went to Fort Scott? A Yes.

Q You don't know where he had been living prior to that time? A No, I came from Illinois.

Q He lived there from about '81 up till '95 or '6? A Yes, sir.

Mr. Bledsoe: Do you know whether he resided there continuously or not, was there all the time from that time up? A His family was there all the time, and he was there; he might have gone a week or two but I don't know about that, he lived there and worked there.

Mr. Davenport: You remember any party for whom he worked while he was living there? A Worked for the Stadden Grocery Company all the time.

Commissioner: Do you know where he went from when he went to Kansas, know where he had been living previously to the time you got acquainted with him? A No, sir.

Q You know where he has been living since '96? A Yes, lives down south of Coffeyville.

Q Live there now? A Yes, sir.

Q In the Cherokee National? A Yes, sir.

Q You know when he came to the Cherokee Nation from Fort Scott, Kansas? A About '95 or '6.

Commissioner: This testimony will be filed with and made a part of the record in this case and also in cases P.D.-787, D-788, and D-789, and made a part of the record in those cases.

Bruce F. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribesaccurately recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce F. Jones

Sworn to and subscribed before me this the 16th of October, 1921.

[illegible]

[illegible].

File with case of Rufus Ross, C.F.-D.#767.

Supl.C.F.-D.#513.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DAVE ROSS, et al. as Cherokee Freedmen, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for applicants:
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

~~SIMON McKENZIE, being duly sworn by Commissioner Needles,~~ testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live, Mr. McKenzie A Five miles north of Pryor Creek.

Q How old are you? A I am 59.

Q How long have you been living in the Cherokee Nation? A I have been here all my live except a short time in the state.

Q When, in the war? A Yes, sir.

Q After you was mustered out of the service where did you go, to what point? A Well, when I was mustered out I was mustered out at Fort Leavenworth and when I started back home I come to Fort Scott.

Q How long did you stay at Fort Scott, Kansas? A Well, I stayed off and on from '65 up until '66 and '67, to the early spring of '68 or '67.

Q From the time you went to Fort Scott until you left there did you get acquainted with a colored man by the name of Dave Ross?

A Yes, sir, I did.

Q Had you known him, any of his people prior to the breaking out of the war? A No, sir.

Q When did you get acquainted with Dave Ross with reference to when you went to Fort Scott, you say you went there in 1865?

A A short time after '65.

Q Well, when did you leave Fort Scott and come back to the Territory to live? A I left there early in the spring, in '68.

Q Well, where was Dave Ross living when you left there? A Dave Ross, he was not exactly living one place, he just be work here and there, he was just out and out.

Q Where was he with reference to Fort Scott? A Fort Scott, yes, right around Fort Scott.

Q He was living in Fort Scott when you first got acquainted with him? A Yes, sir.

Q Do you know what his mother's name was? A She went by the name of Peggie Ross.

Q Did you know his father? A No, sir.

Q Have you seen that Dave Ross that you knew in Fort Scott from 1865 to 1868 here? A No, sir, I never have seen him.

Q The only thing you know is you saw a Dave Ross there whose his mother's name was Peggie? A Yes, sir.

Q The father? I believe you said you did don't know? A No, sir.

Q How old was he then? A He was small, might be ten or 12.

Q Ten or 12 years of age? A Might be older. I don't know. From the other he looked like about that old.

MR. MURRAY: Do you know, Mr. McKenzie whether he came to the Territory or not? A I do not.

Q During that time? A No, sir. I don't know. Really I see him every week right at your place.

Q You could not remember of your own knowledge he didn't come here in '67? A No, sir.

COURT REMARKS: Do you know the Dave Rose that you saw here is the Dave Rose that applies here to be enrolled as a Cherokee Freedman; do you know whether it is the same Dave Rose?
A I don't know, because I never have saw him.
Q This Dave Rose you saw was a boy? A Yes, sir.
Q Running around Fort Smith? A He was about ten or 12 or 13 somewhere along there.
Q You don't know how often he had been back to the Territory and back while he was there? A No, sir.

MR. DAVENPORT: He was living there with his mother? A Yes, sir, drifting back home and out again.

MR. BLEDSOE: Do you know whether this boy you speak of remained there all the time? A All the time I was there, lived right there, I passed the house.

Q If they came down to the Territory in 1866 you don't know it? A No, sir, I seen him as I said there in '65 up until 1867.
Q You don't undertake to state then positively that they did not come to the Territory? A Well, if they did they went back before '67.

This testimony will be filed with the papers in the case, and made a part of the record in the following Cherokee Freedmen doubtful cases: #767, #768, and #769.

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J. C. Rotred, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 20th, 1906.

No D 167

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 17 day of Sept 1901.

J. S. Blair

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the ..... day of ..... A.D 1901

Subscribed and sworn to before me this ..... day of ..... A.D 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of Rufus Ross for enrollment as a Cherokee citizen:

Case No. D 767

To Rufus Ross & or I. P. Bledsoe his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Cher. Fr. D-768

Cher. Fr. D-768

File with Nella Vertham, Doubtful Cherokee Freedman. 768

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Steve Looney for the enrollment of DAVE ROSS as a Cherokee Freedman, for the enrollment of two children as Cherokee Freedman, and for the enrollment of Dave Ross' wife, Nancy Ross, as a Cherokee Freedman by intermarriage; both Looney and Ross being sworn by Commissioner C. R. Breckinridge, and examination conducted through Steve Looney

I. P. Bledsoe, Agent for Applicant.

Q Give me your full name? A Steve Looney.
Q How old are you? A About 58.
Q What is your postoffice? A Coffeyville.
Q What is the name of this applicant here? A Dave Ross.
Q Is he your step-son? A Yes sir.
Q He can't talk, I believe? A Not to understand; he cannot talk well.
Q I will conduct the application through. A Yes sir.
Com'r: Dave Ross can hear, but cannot speak so as to be understood. His assent will be obtained when deemed necessary in the course of the examination.
Com'r of Applicant: Is your name Dave Ross? A Yes.
Com'r of Looney: How old is Dave Ross? A He was born before the war. He must be about 48 or 49 years old.
Q Was he a slave in the Cherokee Nation at the time the war came on? A Yes sir.
Q Who was his master? A John Ross; he was Chief of the Cherokee Nation at that time.
Q Old Chief John Ross? A Yes sir, old Chief John Ross.
Q Has Dave Ross any family? A Yes sir.
Q Has he a wife? A Yes sir.
Q How many children? A Five.
Q Does he want to apply for his wife and children? A He wants to apply for two, the other three are grown.
Commissioner of Applicant: Dave Ross, that is right, is it? A Yes.
Q Is your wife a Cherokee Freedman of her own right? A No.
Q She is a white woman, is she? A Yes.
Commissioner of Looney: How long has Dave Ross lived in the Cherokee Nation? A I brought him with me when I come; he was in my family, a girl and a boy.
Q When was it you claim to have brought him to the Cherokee Nation?
A I come in the fall of '66.
Q What was it you first heard of the treaty of '66? A That was along - I don't know, it might have been a year after the war was over something about a year; somewhere along there.
Q How long after the treaty was it before you heard of it? You didn't hear of it before the treaty? A Oh no, a week or so after the treaty when the news got in.
Q How long after the treaty was it before you came to the Cherokee Nation? A It wasn't very long; we came right away as soon as we could.
Q You stated a while ago you came to the Cherokee Nation a year or about a matter after you heard of the treaty - you gave that in your testimony in the Tom Looney - have you anything else to add to your testimony? A No, sir, I thought that was about the right time, about a year to go.
Com'r: Your testimony goes with your own statement.
Q Well, you brought this man, Dave Ross, with you then? A Yes sir
Q About how old was he at that time? A I couldn't really tell you about how old he was.
Q Was he a grown man? A He was a good sized boy.
Q You think he was considerably taller than me, do you? A I don't

think he was 21.

Q Has this man Dave Ross lived in the Cherokee Nation ever since he came back with you? A No sir.

Q Where has he lived? A Yes sir, where he lives now, he had been making his home most of the time; when he was sick he would go to his doctor.

Q Where is his doctor? A He would go sometimes to Fort Scott.

Q How long has he been sick? A He has been sick I couldn't tell - for a good many years - never was a healthy man - all his life.

Q Where has he made his home principally? A At my place on the river there.

Q On the Verdigris? A Yes sir.

Q For how long a time would he go off? A Sometimes for a month, or a week, or two weeks sometimes.

Q Give me the name of his wife? A Nancy Ross.

Q How old is his wife? A I think she says she is 47 or somewhere along there.

Com'r of Applicant: Is that right, your wife is about 47? A Yes.

Com'r of Looney: Is his wife a Cherokee Freedman of her own right, or Intermarriage? A Intermarriage.

Commissioner of Applicant: Dave Ross, she is a state woman, is she? A Yes.

Commissioner of Looney: Has he a certificate of marriage? A No sir

Q When was he married to his wife, Nancy? A It has been about 27 years; somewhere along there.

Com'r of Applicant: Dave Ross, were you ever married except to this wife? A (Shakes his head, No.)

Q Was she ever married except to you? A No.

Q Have you and she lived together ever since you were married? A Yes

Com'r of Looney: Now, give me the names of these two children for whom he applies? A Hattie Ross.

Q How old is Hattie? A She is 16 years old.

Q The next child? A 13.

Q What is her name? A Effie Ross.

Q Are these children both living now? A Yes sir.

Com'r of applicant: Now Dave Ross, are these your children and your present wife's? A Yes.

Com'r of Looney: Do you know where this child Hattie was born? A She was born on the river down at his grandmas.

Q Where was Effie born? A At the same place.

Q Both in the Cherokee Nation? A Yes, sir.

Q Dave Ross has several other children older? A Yes, sir, three.

Q Where were they born? A They were born there.

Q All were born in the Cherokee Nation? A Yes sir.

Com'r of Applicant: Dave Ross, is it true that you and your wife were married about 27 years ago? A Yes.

The 1880 authenticated roll, and the 1896 Dawes roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are identified thereon as follows:

Page 143, No. 3348, Dave Ross, Goose Creek District.

Page 143, No. 3349, Hattie Ross, Goose Creek District.

Page 143, No. 3349, Effie Ross, Goose Creek District.

Q You are not on the Vallery Roll? A No.

The Vallery Roll examined and the names of the applicants not found thereon.

Q Your children are not on the Vallery Roll? A No.

Com'r of Looney: Can you explain why this man is not on the roll of 1896 or why you and the Kerns Clifton Roll? A We tried to get on the roll.

Q Is all of that? A I don't know why we didn't get on.

Q Is that all you have about it? A We applied to get on. We tried to give all the information we could, but they just wouldn't take us on.

take him on.

Q Did he go to the Cherokee Court in '70 or '71 and try and get the Court to give him his right? A He didn't go; I went for him.

Q Did you apply for him? A I went and seen Chief Bushyhead.

Q You had a talk with Chief Bushyhead, did you? A Yes sir, and he told us to go back home and get to work.

Q Did you do that? A Yes sir, and been working there ever since.

Q Were you talking to Chief Bushyhead out doors or in doors?

A Out doors.

Q You didn't go before the Court? A No sir; we thought it was no use; he told us to was no use.

By I. P. Bledsoe: Has he got any permits - did he ever employ anybody? A No, he never employed anybody; he mostly made his home with me.

Q Did he ever vote in the Cherokee Nation? A Yes sir, he voted.

Q Do you know positively how long it was after that treaty that you came back here - you stated a while ago that you came back about a year after that time, and you stated positively that you came back here in the fall of '66. I want the Court to thoroughly understand why you make that difference. Do you know when the treaty was made of your own knowledge? A No sir, I do not.

Q Do you know positively when you came back here? A Yes sir, it was in the fall of '66 when we come back.

Q Did Dave come with you? A Yes sir.

Q Who else came with you in that crowd, Dave and you? A Tobe Looney, Esau Fox, Joe Rose, Nelson Murrell.

Q Dave has resided in the Cherokee Nation ever since he came back except to go out and be doctored? A Yes sir.

J. S. Davenport, Cherokee Attorney: Steve, Dave lived how long at Fort Scott after you came back down here? A He didn't live there very long.

Q How long did he live at there after his first child was born?

A I couldn't say; he didn't live there.

Q Well, the first child was born in Kansas, wasn't it? A No, sir

Q The second child was born in Kansas? A No sir.

Q And all the children he has were born in Kansas weren't they?

A No sir.

Q What did you say a while ago when you said he lived in the Cherokee Nation except when he was off to a doctor? A Like any other man, if he wanted to go to a doctor he would get up and go.

Q Where did he go to his doctor when he would go? A Up to Fort Scott.

Q When he would go was his family with you or was his family in Fort Scott? A His family would be with me most of the time, and sometimes at Fort Scott.

Q Has his family lived for a number of years in the State of Kansas? A No sir.

Q And you state positively that all of his children were born in the Cherokee Nation? A That's right.

The applicant applies for the enrollment of himself, his wife and two minor children. The applicant is unable to appear personally, and his application is prosecuted chiefly through his stepfather, Steve Looney, but the applicant is called upon at essential points to account or dissent to the testimony, which he does by the usual sign of a nod or a shake of his head. It appears that the applicant was a slave in the Cherokee Nation and the slave of a Cherokee citizen at the time of the breaking out of the Civil War. He is identified as the Dave Fletcher mentioned, but appears to have been refused enrollment upon all the other rolls, and he has never been admitted to citizenship by any court or tribunal. His guardian states that he brought the applicant back to the Cherokee Nation [illegible]

Cherokee Nation from Kansas after the war, and affirms that he came in the fall of '66; but further states that he came about one year after he first heard of the treaty of 1866, and that he did not hear of the treaty until after its ratification. It seems that the applicant has been an invalid for many years and has had occasion at least to return to Kansas for medical treatment, but so far there is no conclusive evidence that he has returned to the State of Kansas in a way to invalidate any right of citizenship that he may have otherwise possessed. His age is now given as 48 or 49 years, and his right to enrollment at this time, even assuming that he returned from Kansas more than six months after the ratification of the treaty of 1866, should be considered in the light of his status at that time as a minor, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of his case will be made known to him at his postoffice address. His wife is a white woman; neither he or she was previously married, and it is shown by satisfactory personal testimony that they were married some 27 years ago, and have lived together ever since their marriage. None of the intermarried white women with Cherokee Freedmen have been admitted to enrollment, but she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the consideration of her status under the claim of intermarriage; and the final decision of the Commission will be made known to her at her postoffice address. The two children for whom application is now made, Hattie and Effie Ross, are minors, and are identified on the Kern Clifton Roll, but are not upon the Wallace Roll; they are respectively 16 and 18 years of age. They will now be listed for enrollment as Cherokee Freedmen on a doubtful card for the final determination of the status of their father, through whom alone they claim, and the decision of the Commission will be made known to their father at his postoffice address. These two children are not identified on the roll of 1896.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, R. T. Rothenberger.

Subscribed and sworn to before me this 6th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Irene C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Irene C. Jones

Sworn to and subscribed before me this 19th day of July, 1906.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Della Wortham for enrollment as a Cherokee Freedman.

Dulla Wortham, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Della Wortham.
Q How old are you? A 21.
Q What is your post office address? A Coffeyville.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation
Q Why I don't know, yes sir I think so.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Felix Wortham.
Q What is your father's name? A Dave Rees.
Q Your mother named Nancy? A Yes, sir.
Q When were you married to Wortham? A It will be four years the 7th of December.
Q Where were you born? A Born on the Verdigris.
Q Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Living in the Cherokee Nation now? A Yes, sir, but I go backwards and forwards to Kansas City, he works in Kansas City.
Q Who works in Kansas City? A My husband.
Q Have you any children? A No, sir.
Q Are you keeping house in Kansas City? A No sir, he is boarding there and I go once in a while and stay with him.
Q Never kept house up there? A No, sir.
Q Where do you live when you are in the Nation? A With my folks, papa and mama.
Mr. J.S.Davenport, Cherokee attorney: How long since you left Kansas City? A About three weeks.
Q You came down preparatory for the enrollment? A No, sir, I don't stay up there but about two or three months and then I come back.
Q Your husband has been residing in Kansas City continuously since you married? A No, sir, Fort Scott, he stayed with his people a while.
Q You were married there? A Fort Scott.
Q You were residing there at the time you were married? A Yes, sir.
Q Wasn't your family with you? A No, sir, I was working out.
Q You went from there to Kansas City? A No, sir, came here and he came with me, and got a job in Kansas City and went there.
Q What does he do in Kansas City? A He is a stone mason.
Q He has never lived in the Territory since your marriage?
A No, sir.
Q You have never had a home since you were married, in the Cherokee Nation? A No, sir, just stayed with papa; I stayed there two or three months and then go back
Q You and he have never kept house in Kansas City or any other place in Kansas or Missouri? A No, sir.
Q He is now in Kansas City and has been for the last two years?
A Yes, he has been there over two years; not quite two years yet.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 14th, No. 2464, [illegible] District, as Della Rees.

Nella Wortham - R.

Commissioner: Nella Wortham applies for the enrollment of herself. She avers that she was married to one Felix Wortham in the year 1897, he being a born citizen. She avers that she is the child of Dave and Nancy Rose, who are listed for enrollment on D card file, and the testimony taken in the application of said Dave and Nancy Rose will be made part of the testimony in the case at bar, and a copy thereof will be filed herewith. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be notified by mail of the decision of the Commission on her application when the same is arrived at.

Witnesses:

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 26th day of [illegible], 1908

Commissioner.

File with case of Della Wortham, C.F.-D.#768.

Supl.C.F.-D.#513.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DAVE ROSS, et al. as Cherokee Freedmen, introduced as part of the Cherokee Nation:

APPEARANCES:
Mr. E. P. Bledsoe, Agent for applicants:
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live, Mr. McKenzie? A Five miles north of Pryor Creek.
Q How old are you? A I am 59.
Q How long have you been living in the Cherokee Nation? A I have been here all my live except a short time in the state.
Q When, in the war? A Yes, sir.
Q After you was mustered out of the service where did you go, to what point? A Well, when I was mustered out I was mustered out at Fort Leavenworth and when I started back home I come to Fort Scott.
Q How long did you stay at Fort Scott, Kansas? A Well, I stayed off and on from '65 up until '66 and '67, to the early spring of '68 ~~and~~ or '67.
Q From the time you went to Fort Scott until you left there did you get acquainted with a colored man by the name of Dave Ross?
A Yes, sir, I did.
Q Had you known him, any of his people prior to the breaking out of the war? A No, sir.
Q When did you get acquainted with Dave Ross with reference to when you went to Fort Scott, you say you went there in 1868?
A A short time after '68.
Q Well, when did you leave Fort Scott and come back to the Territory to live? A I left there early in the spring, in '68.
Q Well, where was Dave Ross living when you left there? A Dave Ross, he was not exactly living one place, he just be work here and there, he was just out and out.
Q Where was he with reference to Fort Scott? A Fort Scott, yes, right around Fort Scott.
Q He was living in Fort Scott when you first got acquainted with him? A Yes, sir.
Q Do you know what his mother's name was? A She went by the name of Peggie Ross.
Q Did you know his father? A No, sir.
Q Have you seen that Dave Ross that you knew in Fort Scott from 1868 to 1868 here? A No, sir, I never have seen him.
Q The only thing you know be you see a Dave Ross there about his mother's name was Peggie? A Yes, sir.
Q His father I believe you said you didn't know? A No, sir.
Q Was she was he then? A He was small, might be ten or 12.
Q Boy ten or 12 years of age? A Might be older I don't know, from the size he looked like about that old.
MR. ALBERTY: Do you know, Mr. McKenzie whether he came to the Territory or not? A I do not.
Q During that time? A No, sir, I don't know, mostly I see him every once right on part grind.
Q You could not speak of your own knowledge he didn't come here in '67? A No, sir

COM'R NEEDLES: Do you know the Dave Ross that you saw here is the Dave Ross that applies here to be enrolled as a Cherokee Freedman; do you know whether it is the same Dave Ross?
A I don't know, because I never have saw him.
Q This Dave Ross you saw was a boy? A Yes, sir.
Q Running around Fort Scott? A He was about ten or 12 or 13 somewhere along there.
Q You don't know how often he had been back to the Territory and back while he was there? A No, sir.
MR. DAVENPORT: He was living there with his mother? A Yes, sir drifting back home and out again.
MR. BLEDSOE: Do you know whether this boy you speak of remained there all the time? A All the time I was there, lived right there, I passed the house.
Q If they came down to the Territory in 1866 you don't know it?
A No, sir, I seen him as I said there in '65 up until 1867.
Q You don't undertake to state then positively that they did not come to the Territory? A Well, if they did they come back before '67.

This testimony will be filed with the papers in the case, and made a part of the record in the following Cherokee Freedmen doubtful cases.: #767, #768, and #769.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

File with Cherokee Freedman

D-768, Della Worthem.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Davis Ross for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
I. P. Bledsoe, Agent for the applicant.
J. S. Davenport, of counsel for Cherokee Nation.

WILLIAM MARGRAVES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A William Margraves.

Q Where do you live, Mr. Margraves? A Fort Scott, Kansas.

Q What is your age? A My age is 87 years.

Q How long have you lived at Fort Scott, Kansas? A Since 1854.

Q Since you been living at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Oh yes, very well.

Q About when did you get acquainted with him, about what year? Oh I can't tell without going back, but I am satisfied I have known him well for the last 25 years.

Q Do you know whether or not he is living at Fort Scott now? A Well I see him every few days, he is driving a wagon or something of the kind, I saw him just two or three days ago.

Q Do you know for whom he has been working there at Fort Scott, Kansas? A He worked a number of years, must have worked at least fifteen years, for I. Stadlen Grocery Company.

Q That is a wholesale house, is it? A Yes, sir, wholesale grocery

Q Did Dave Ross have a family, Mr. Margraves? A I understand so but I never knew his family.

Q Well, do you know whether or not he participated in the elections there at Fort Scott? A Well I don't remember, I can't say as to that.

Mr. Bledsoe: Do you know where Dave Ross was living during this time, do you know that he had a home down here or up there or not? A Down here, no, sir, I don't know anything about that.

Q You don't know where his family was? A I don't remember that I knew his family; my understanding was that he had a family, but I don't really remember, because I had no interest in things of that kind and paid no attention.

Q Don't know anything about who his family was? A No, sir, I can't say.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Forbes.

Q How old are you? A I am 36.

Q Where do you live? A My live at Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 11 years.

Q Since you been living at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Yes, sir.

Q How long ago, or about how many years ago did you get acquainted with him? A Well another it is 20 years, I think it is more than that.

Q Do you know anything of and have had a family? A Yes, sir.

Q Did you ever know his family? A Well, I wasn't particularly acquainted with them, I knew around them and where they lived.

Q Do you know whether or not he was engaged in any work of any kind around Fort Scott? A Yes, sir.

Q For whom did he work, if you know? A For Isaac Stadden Grocery Company, a wholesale Grocery Company.

Q About how long did he work there? A Well, he must have worked there 15 years or thereabouts, but I think it is more than that.

Q Do you know whether or not when they would have elections up there that Dave voted or took any part in the elections? A I have no personal knowledge of that.

Q Do you know whether or not Dave Ross is here this morning? A I think I saw him just as I came in here (indicating applicant).

Q Is that the Dave Ross that you knew at Fort Scott? A Yes, sir.

Q About how long since you have seen him at work up there around Fort Scott? A Well I think it is, I missed him about six years ago. I thought he was dead, but he don't happen to be, I have no recollection of seeing him for about five or six years.

Q And you don't know of your own knowledge whether he voted up there or not? A No, sir, I don't.

Q Did he at any time have any sickness or affliction up there that you remember? A While he was living at Fort Scott?

Q In his family; did he himself become afflicted in any way? A No, never knew Dave to be afflicted with anything, his boy I think had his leg chopped off by the cars one time, I think, but so far as Dave is concerned himself I didn't know there was ever anything the matter with him.

Mr. Bledsoe: Do you know where his family was during that time?

A Well all the time I don't, I used to pass backwards and forth there pretty often but I never knew any more about his family than I would about anybody else's family.

Q All you know, you saw him working around there?

Commissioner: When did you first know Dave Ross, become acquainted with him? A Well sir, I think that I knew Dave back as early as '72, I think so, but I wouldn't be positive.

Q You didn't know him before '72? A No, I didn't.

Q You have known him since '72? A Yes, sir.

Q You don't know where he was in the year 1863? A No, sir.

Q You know whether he was a slave or not before the war between the North and South? A I do not.

Q Do you know the name of his wife? A No, sir.

Q Know how many children he has got? A I do not.

Q Was he living in '72 in Fort Scott, Kansas, with his family?

A Well, I think so, I wouldn't be positive about '72.

Q Well, about that time? A About that time, yes.

Q You know where his children were born? A I think they were born in Fort Scott, all that I know of them, I am under the impression that he had three, I am not sure of it.

Q How long since you lost the run of him, how long since you missed him from there? A About five or six years ago.

Q You know where he lived in the year 1888? A About six years ago?

Q About three years ago that was? A Yes. I don't think he was in Fort Scott at that time.

JAMES [illegible], being duly sworn by Commissioner Bledsoe, testified as follows:

Mr. Bledsoe: What is your name? A James [illegible].

Q How old are you? A 62.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Since the [illegible] of '62, about [illegible] the end of '62.

Q While since you have been living at Fort Scott, Kansas, did you get acquainted with a colored man by the name of Dave Ross? A Yes, sir.

Q Where was he living, if you know, when you got acquainted with him? A He was living down in the [illegible].

Q How far from Fort Scott? A He lived in Fort Scott, in town.

Q Do you know how old if you should say age? A Not, sir.

Q I wish you would look and see if that is the man you saw in Fort Scott, Dave Ross (indicating). A Here is Dave Ross here (indicating applicant.)

Q Well, what was he doing up there, if you know? A He was working for the I. Stadden Grocery Company.

Q You know where his family lived? A Yes, sir.

Q Do you know whether or not he had any children? A Yes, sir.

Q Did you ever learn his wife's name? A No, I know his wife when I see her.

Q Well, how long did he continue to live at Fort Scott, if you know? A About '95 or '6.

Q He lived there then to '95 or '6? A I think it must be '94, might have been, but I think it was '95 or '6.

Q Well, do you know whether or not his children went to school there? A Yes.

Q It was in '91 or '2 as I understand when you went to Fort Scott? A Yes.

Q You don't know where he had been living prior to that time? A No, I came from Illinois.

Q He lived there from about '91 up till '95 or '6? A Yes, sir.

Mr. Bledsoe: Do you know whether he resided there continuously or not, was there all the time from that time up? A His family was there all the time, and he was there; he might have gone a week or two but I don't know about that, he lived there and worked there.

Mr. Davenport: You remember any party for whom he worked while he was living there? A Worked for the Stadden Grocery Company all the time.

Commissioner: Do you know where he went from when he went to Kansas, know where he had been living previously to the time you got acquainted with him? A No, sir.

Q You know where he has been living since '96? A Yes, lives down south of Coffeyville.

Q Live there now? A Yes, sir.

Q In the Cherokee Nation? A Yes, sir.

Q You know when he came to the Cherokee Nation from Fort Scott, Kansas? A About '99 or '6.

Commissioner: This testimony will be filed with and made a part of the record in this case and also in cases F.D.-767, D-766, and D-765, and made a part of the record in those cases.

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Irene C. James, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of her stenographic notes thereof.

Irene C. James

Sworn to and subscribed before me this the 26th of October, 1906.

[illegible]

Commissioner.

No. 5 D. C. S.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

day of ..... A. D. 1901

Given under my hand this

day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 11 day of Sept, 1901.

D. P. Belden

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of [redacted]
for enrollment as a Cherokee citizen:

Case No. D [redacted]

To [redacted]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on [redacted] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L. C. Cox
M. M. Hanks
Attorneys for the Cherokee Nation.

Cher. Fr. D-769

Cher. Fr. D-769

File with Nellie Haselrig, Doubtful Cherokee Freedman. 769

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Steve Looney for the enrollment of Dave Ross as a Cherokee Freedman, for the enrollment of two children as Cherokee Freedmen, and for the enrollment of Dave Ross' wife, Nancy Ross, as a Cherokee Freedman by intermarriage; both Looney and Ross being sworn by Commissioner C. R. Breckinridge, and examination conducted through Steve Looney.

I. P. Bledsoe, Agent for Applicant.

Q Give me your full name? A Steve Looney.
~~Q How old are you? A About 58.~~
Q What is your postoffice? A Coffeyville.
Q What is the name of this applicant here? A Dave Ross.
Q Is he your step-son? A Yes sir.
Q He can't talk, I believe? A Not to understand; he cannot talk well.
Q I will conduct the application through you? A Yes sir.
Com'r: Dave Ross can hear, but cannot speak as to be understood. His assent will be obtained when seemed necessary in the course of the examination.
Com'r of Applicant: Is your name Dave Ross? A Yes.
Com'r of Looney: How old is Dave Ross? A He was born before the war. He must be about 48 or 49 years old.
Q. Was he a slave in the Cherokee Nation at the time the war came on? A Yes sir.
Q Who was his master? A John Ross; he was Chief of the Cherokee Nation at that time.
Q Old Chief John Ross? A Yes sir, old Chief John Ross.
Q Has Dave Ross any family? A Yes sir.
Q Has he a wife? A Yes sir.
Q How many children? A Five.
Q Does he want to apply for his wife and children? A He wants to apply for two, the other three are grown.
Commissioner of Applicant: Dave Ross, that is right, is it? A Yes.
Q Is your wife a Cherokee Freedman of her own right? A No.
Q She is a state woman, is she? A Yes.
Commissioner of Looney: How long has Dave Ross lived in the Cherokee Nation? A I brought him with me when I came; he was in my family, a girl and a boy.
Q When was it you claim to have brought him to the Cherokee Nation? A I came in the fall of '66.
Q When was it your first heard of the treaty of '66? A That was along & I don't know, it might have been a year after the war was over something about a year; somewhere along there.
Q How long after the treaty was it before you heard of it? A You didn't hear of it before the treaty? A Oh no, a week or so after the treaty when the news got it.
Q How long after the treaty was it before you came to the Cherokee Nation? A It wasn't very long; we came right away as soon as we could.
Q You stated a while ago you came to the Cherokee Nation a year or such a matter after you heard of the treaty - you gave that in your testimony in the case Looney gave - have you anything now to say about that? A No sir, I thought that was about the right time, about a year or so.
Com'r: Your testimony goes with your own statement.
Q Well, you brought this man, Dave Ross, with you then? A Yes sir
Q About how old was he at that time? A I couldn't really tell just about how old he was.
Q Was he a grown up man? A No sir, he was a good sized boy.

Q You think he was considerably less than 21, do you? A I don't think he was 21.

Q Has this man Dave Ross lived in the Cherokee Nation ever since he came back with you? A No sir.

Q Where has he lived? A Yes sir, where he lives now he has been making his home most of the time; when he was sick he would go to his doctor.

Q Where ~~xx~~ is his doctor? A He would go sometimes to Fort Scott.

Q How long has he been sick? A He has been sick I couldn't tell - for a good many years - never was a healthy man - all his life.

Q Where has he made his home principally? A At my place on the river there.

Q On the Verdigris? A Yes sir.

Q For how long a time would he go off? A Sometimes for a month, or a week, or two weeks sometimes.

Q Give me the name of his wife? A Nancy Ross.

Q How old is his wife? A I think she says she is 47 or somewhere along there.

Com'r of Applicant: Is that right, your wife is about 47? A Yes.

Com'r of Looney: Is his wife a Cherokee Freedman of her own right, or intermarriage? A Intermarriage.

Commissioner of Applicant: Dave Ross, she is a state woman, is she? A Yes.

Commissioner of Looney: Has he a certificate of marriage? A No sir.

Q When was he married to this wife, Nancy? A It has been about 27 years; somewhere along there.

Com'r of Applicant: Dave Ross, were you ever married except to this wife? A (Shakes his head No).

Q Was she ever married except to you? A No.

Q Have you and she lived together ever since you were married? A Yes.

Com'r of Looney: Now, give me the names of these two children for whom he applies? A Hattie Ross.

Q How old is Hat'ie? A She is 16 years old.

Q The next child? A 13.

Q What is her name? A Effie Ross.

Q Are these children both living now? A Yes sir.

Com'r of Applicant: Now Dave Ross, are these your children and your present wife's? A Yes.

Com'r of Looney: Do you know where this child Hat'ie was born? A She was born on the river down at her grandmas.

Q Where was Effie born? A At the same place.

Q Both in the Cherokee Nation? A Yes sir.

Q Dave Ross has several other children older? A Yes, sir, three.

Q Where were they born? A They were born there.

Q All were born in the Cherokee Nation? A Yes sir.

Com'r of Applicant: Dave Ross, is it true that you and your wife were married about 27 years ago? A Yes.

The 1880 authenticated roll, and the 1896 census roll examined and the names of the applicants not found thereon.

The Dawes Citizen Roll examined and the names of the applicants are found thereon as follows:

Page 143, No. 3240, Dave Ross, Coweskoowee District.

Page 143, No. 3242, Hattie Ross, Coweskoowee District.

Page 143, No. 3243, Effie Ross, Coweskoowee District.

Q You are not on the Vallian Roll? A No.

The Vallian Roll examined and the names of the applicants not found thereon.

Q Your children are not on the Vallian Roll? A No.

Com'r of Looney: For the origin why this man is not on the roll of 1880 we have examined the Dawes Citizen Roll? A We tried to get on the roll.

Q On roll of 1880? A I don't know why we didn't get on.

Q Is that all you know about it? A He applied to get on; we both tried to give all the information we could, but they just wouldn't take him on.

Q Did he go to the Cherokee Court in '70 or '71 and try to get the Court to give him his right? A He didn't go; I went for him.

Q Did you apply for him? A I went and seen Chief Bushyhead.

Q You had a talk with Chief Bushyhead, did you? A Yes sir, and he told us to go back home and get to work.

Q Did you do that? A Yes sir, and been working there ever since.

Q Were you talking to Chief Bushyhead out doors or in doors?

A Out doors.

Q You didn't go before the Court? A No sir; we thought it was no use; he told us it was no use.

By I. P. Bledsoe: Has he got any permits - did he ever employ anybody? A No, he never employed anybody; he mostly made his home with me.

Q Did he ever vote in the Cherokee Nation? A Yes sir, he voted.

Q Do you know positively how long it was after that treaty that you came back here - you stated a while ago that you came back about a year after that time, and you stated positively that you came back here in the fall of '66. I want the Court to thoroughly understand why you make that difference. Do you know when the treaty was made of your own knowledge? A No sir, I do not.

Q Do you know positively when you came back here? A Yes sir, it was in the fall of '66 when we came back.

Q Did Dave come with you? A Yes sir.

Q Who else came with you in that crowd, Dave and you? A Tobe Looney, Esau Fox, Joe Ross, Nelson Murrell.

Q Dave has resided in the Cherokee Nation ever since he came back except to go out and be doctored? A Yes, sir.

J. S. Davenport, Cherokee Attorney: Steve, Dave lived how long at Fort Scott after you came back somewhere? A He didnt live there very long.

Q How long did he live there after his first child was born? A I couldn't say; he didn't live there.

Q Well, the first child was born in Kansas, wasn't it? A No sir.

Q The second child was born in Kansas? A No sir.

Q And all the children he has were born in Kansas weren't they?

A No sir.

Q What did you say a while ago when you said he lived in the Cherokee Nation except when he was off to a doctor? A Like any other man, if he wanted to go to a doctor he would get up and go.

Q Where did he go to his doctor when he would go? A Up to Fort Scott.

Q When he would go was his family with you or was his family at Fort Scott? A His family would be with me most of the time, and sometimes at Fort Scott.

Q Has his family lived for a number of years in the State of Kansas? A No sir.

Q And you state positively that all of his children were born in the Cherokee Nation? A That's right.

The applicant applies for the enrollment of himself, his wife and two minor children. The applicant is unable to speak English, and his application is conducted chiefly through Joel Guthrie, Stone Bonner, but the applicant is called upon to personally point to himself as claimant to the enrollment, which he does by the usual sign of, and by a shake of his head. It appears that the applicant was a citizen of the Cherokee Nation, and the place of a Cherokee citizen of the time of the treaties and of the civil war. He is identified as the same Gilfish Hall, but appears to have been enrolled

enrollment upon all the others rolls, and he has never been admitted to citizenship by any Court or Commission. His stepfather states that he brought the applicant back to the Cherokee Nation from Kansas after the war, and affirms that he came in the fall of '66, but further states that he came about one year after he first heard of the treaty of 1866, and that he did not hear of that treaty until after its ratification. It seems that the applicant has been an invalid for many years, and has had occasion at least to return to Kansas for medical treatment, but so far there is no conclusive evidence that he has returned to the State of Kansas in a way to invalidate any right of citizenship that he may have otherwise possessed. His age is now given as 48 or 49 years, and his right to enrollment at this time, even assuming that he returned ~~xxx~~ from Kansas more than six months after the ratification of the treaty of 1866, should be considered in the light of his status at this time as a minor, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of his case will be made known to him at his postoffice address? 2 His wife is a state woman; neither he or she was previously married, and it is shown by satisfactory personal testimony that they were married some 27 years ago, and have lived together ever since their marriage. None of the intermarried state women with Cherokee Freedmen have been admitted to enrollment, but she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the consideration of her status under the claim of intermarriage; and the final decision of the Commission will be made known to her at her postoffice address. The two children for whom application is now made, Nettie and Effie Ross, are minors, and are identified on the Kern Clifton Roll, but not upon the Wallace Roll; they are respectively, 16 and 13 years of age. They will now be listed for enrollment as Cherokee Freedmen on a doubtful card for the final determination of the status of their father, through whom alone they claim, and the decision of the Commission will be made known to their father at his postoffice address. These two children are not identified on the roll of 1896.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, J. O. Rothenberger,

Subscribed and sworn to before me this 6th day of June, 1906.

Signed, T. B. Needles,
Commissioner.

. . . . . .

Pauline G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and the same is a true copy from the original.

Sworn to and subscribed before me this [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18, 1901.

In the matter of the application of Nellie Haselrig for enrollment as a Cherokee Freedman.

Nellie Haselrig, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nellie Haselrig.
Q How old are you? A 18.
Q What is your post office address? A Why at Coffeyville.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Haselrig.
Q Is he a citizen? A Yes, sir.
Q Citizen of the Cherokee Nation, is he? A Yes, sir.
Q What was your father's name? A Dave Ross.
Q He living? A Yes, sir
Q What is your mother's name? A Nancy.
Q Is she living? A Yes, sir.
Q Where were you born? A On the Verdigris River.
Q Cherokee Nation? A Yes, sir.
Q Have you lived all your live there? A Yes, sir.
Q Where were you married? A Married on the Verdigris River.
Q Cherokee Nation? A Yes, sir.
Q When? A Been about two years ago.
Q Have you any children? A Yes, sir.
Q You know whether your name appears on any of the rolls of the Cherokee Nation or not? A Yes, sir.
Q What roll? A You are too hard for me, I know it is there though, papa said.
Mr. J.S.Davenport, Cherokee attorney: You say your post office is Coffeyville now? A Yes, sir, it has been. I ~~[illegible]~~ ~~[illegible]~~ used to live at Bartlesville.
Q Where is your husband living now? A Bartlesville.
Q You and he separated? A Yes, sir.
Commissioner: You say your husband and you are separated? A Yes, sir
Q Not living with him? A No, sir.
Q Living with your father and mother? A Yes, sir.
Q Do you live in Coffeyville? A No, sir.
Q Where did you and your husband keep house when you fir were married? A Bartlesville.
Q Then you lived there? A Yes, sir, I lived there when we were living together, but I live at my father's since I have been separated.

The 1880 authenticated roll of Cherokee Freedmen searched and the parents of applicant not identified thereon.

The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 5th, No. 6844, Coowescoowee district, as Nellie Ross.

Commissioner: Nellie Ross applies for the enrollment of herself. She swears that she is married to one William Haselrig. Her name cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll, and she is fully identified according to page and number of the roll as indicated in the testimony. She swears that she is the child of Dave and Nancy Ross, who have been duly listed for enrollment as Cherokee Freedmen on a prior date, and the testimony in said case will be made part of the testimony in the

case at bar, and a copy thereof filed herewith. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission. She will be notified by mail of the action of the Commission when arrived at.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of June, 1961.

Commissioner.

File with case of Nellie Hazelrig, C.F.-D.#769.

Supl.C.F.-D.#618.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of DAVE ROSS, et al. as Cherokee Freedmen, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for applicants.
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live, Mr. McKenzie A Five miles north of Pryor Creek.
Q How old are you? A I am 59.
Q How long have you been living in the Cherokee Nation? A I have been here all my life except a short time in the state.
Q When, in the war? A Yes, sir.
Q After you was mustered out of the service where did you go, to what point? A Well, when I was mustered out I was mustered out at Fort Leavenworth and when I started back home I came to Fort Scott.
Q How long did you stay at Fort Scott, Kansas? A Well, I stayed off and on from '65 up until '66 and '67, to the early spring of '68 and or '67.
Q From the time you went to Fort Scott until you left there did you get acquainted with a colored man by the name of Dave Ross?
A Yes, sir, I did.
Q And you known him, any of his people prior to the breaking out of the war? A No, sir.
Q When did you get acquainted with Dave Ross with reference to when you went to Fort Scott, you say you went there in 1865?
A A short time after '65.
Q Well, when did you leave Fort Scott and come back to the Territory to live? A I left there early in the spring, in '68.
Q Well, where was Dave Ross living when you left there? A Dave Ross, he was not exactly living one place, he just he work here and there, he was just out and out.
Q Where was he with reference to Fort Scott? A Fort Scott, yes, right around Fort Scott.
Q He was living in Fort Scott when you first got acquainted with him? A Yes, sir
Q Do you know what his mother's name was? A She went by the name of Peggie Ross.
Q Did you know his father? A No, sir.
Q Have you seen that Dave Ross that you knew in Fort Scott from 1865 to 1868 here? A No, sir, I never have seen him.
Q The only thing you know is you saw a Dave Ross there whose ma mother's name was Peggie? A Yes, sir.
Q The father's I believe you said you did don't know? A No, sir.
Q Was size and he about? A He was small, might be two or 3.
Q How old of is years of age? A Might be older I don't know, from the age he looked like about that.
MR. [illegible] Do you know Mr. McKenzie whether he came to the Territory? A I do not.
Q Having lived there? A No, sir, I don't know, exactly I saw him except seen what at Fort Scott.
Q Did you ever of your own knowledge or didn't you have in '68? A No, sir.

COM'R NEEDLES: Do you know the Dave Ross that you saw here is the Dave Ross that applies here to be enrolled as a Cherokee Freedman; do you know whether it is the same Dave Ross?
A I don't know, because I never have seen him.
Q This Dave Ross you saw was a boy? A Yes, sir.
Q Running around Fort Scott? A He was about ten or 12 or 13 somewhere along there.
Q You don't know how often he had been back to the Territory and back while he was there? A No, sir.
MR. DAVENPORT: He was living there with his mother? A Yes, sir drifting back home and out again.
MR. BLEDSOE: Do you know whether this boy you speak of remained there all the time? A All the time I was there, lived right there, I passed the house.
Q If they came down to the Territory in 1866 you don't know it?
A No, sir, I seen him as I said there in '65 up until 1867.
Q You don't undertake to state then positively that they did not come to the Territory? A Well, if they did they came back before '67.

This testimony will be filed with the papers in the case, and made a part of the record in the following Cherokee Freedmen doubtful cases.: #767, #768, and #769.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

File with Cherokee Freedmen p-769, Nellie Hazelrig.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Davis Ross for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
I. P. Bledsoe, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

WILLIAM MARGRAVES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A William Margraves.
Q Where do you live, Mr. Margraves? A Fort Scott, Kansas.
Q What is your age? A My age is 87 years.
Q How long have you lived at Fort Scott, Kansas? A Since 1854.
Q Since you been living at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Oh yes, very well.
Q About when did you get acquainted with him, about what year? Oh I can't tell without going back, but I am satisfied I have known him well for the last 25 years.
Q Do you know whether or not he is living at Fort Scott now? A Well I see him every few days, he is driving a wagon or something of the kind, I saw him just two or three days ago.
Q Do you know for whom he has been working there at Fort Scott, Kansas? A He worked a number of years, must have worked at least fifteen years, for I. Stadten Grocery Company.
Q That is a wholesale house, is it? A Yes, sir, wholesale grocery.
Q Did Dave Ross have a family, Mr. Margraves? A I understand so but I never knew his family.
Q Well, do you know whether or not he participated in the elections there at Fort Scott? A Well I don't remember, I can't say as to that.
Mr. Bledsoe: Do you know where Dave Ross was living during this time, do you know that he had a home down here or up there or not?
A No, no here, no, sir, I don't know anything about that.
Q You don't know where his family was? A I don't remember that I knew his family; my understanding was that he had a family, but I don't really remember, because I had no interest in things of that kind and paid no attention.
Q Don't know anything about who his family was? A No, sir, I can't say.

JOHN SMITH, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Smith.
Q How old are you? A I am 68.
Q Where do you live? A We live at Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A 33 years.
Q Since you have lived at Fort Scott, Kansas, have you become acquainted with a colored man by the name of Dave Ross? A Yes, sir.
Q About what year or about how many years ago did you get acquainted with him? A Well anywhere from 15 to 20 years, I think it is more than that.
Q Do you know anything of said Dave Ross's family? A Yes, sir.
Q Did you ever know his family? A Well, I can't say that I ever had much to do with them, I have seen them and knew they lived.
Q Do you know whether or not he ever changed in any way of his name? A Yes, sir.

Q For whom did he work, if you know? A For Isaac Stadden Grocery Company, a wholesale Grocery Company.

Q About how long did he work there? A Well, he must have worked there 15 years or thereabouts, but I think it is more than that.

Q Do you know whether or not when they would have elections up there that Dave voted or took any part in the elections? A I have no personal knowledge of that.

Q Do you know whether or not Dave Ross is here this morning? A I think I saw him just as I came in here (indicating applicant).

Q Is that the Dave Ross that you knew at Fort Scott? A Yes, sir.

Q About how long since you have seen him at work up there around Fort Scott? A Well I think it is, I missed him about six years ago, I thought he was dead, but he don't happen to be. I have no recollection of seeing him for about five or six years.

Q And you don't know of your own knowledge whether he voted up there or not? A No, sir, I don't.

Q Did he at any time have any sickness or affliction up there that you remember? A While he was living at Fort Scott?

Q In his family: did he himself become afflicted in any way? A No, never knew Dave to be afflicted with anything, his boy I think had his leg chopped off by the cars one time, I think, but so far as Dave is concerned himself I didn't know there was ever anything the matter with him.

Mr. Blood: Do you know where his family was during that time?

A Well sir the time I don't, I used to pass backwards and forth there pretty often but I never knew any more about his family than I would about anybody else's family.

Q All you know, you saw him working around there?

Commissioner: When did you first know Dave Ross, become acquainted with him? A Well sir, I think that I knew Dave back as early as '72, I think so, but I wouldn't be positive.

Q You didn't know him before '72? A No, I didn't.

Q You have known him since '72? A Yes, sir.

Q You don't know where he was in the year 1860? A No, sir.

Q You know whether he was a slave or not before the war between the North and South? A I do not.

Q Do you know the name of his wife? A No, sir.

Q Know how many children he has got? A I do not.

Q Was he living in '72 in Fort Scott, Kansas, with his family?

A Well, I think so, I wouldn't be positive about '72.

Q Well, about that time? A About that time, yes.

Q You know where his children were born? A I think they were born in Fort Scott, all that I know of them, I am under the impression that he had three, I am not sure of it.

Q How long since you lost the run of him, how long after you missed him from there? A About five or six years ago.

Q Did you know where he lived in the year 1900? A About six years ago?

Q About seven years ago that was? A Well I don't think he was in Fort Scott at that time.

[illegible] NORTON, being duly sworn by Commissioner Beeler, testified as follows:

Mr. Blood: What is your name? A James Norton.

Q How old are you? A 62.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Since '68, along from the end of '68.

Q [illegible] Dave Ross? A [illegible]

Q [illegible] Dave Ross? A [illegible]

Q [illegible] Dave Ross? A [illegible]

Q [illegible] Dave Ross? A [illegible]

Q [illegible] Dave Ross? A [illegible]

Q [illegible] Dave Ross? A [illegible]

Q I wish you would look and see if that is the man you saw in Fort Scott, Dave Rose (indicating). A Here is Dave Rose here (indicating applicant.)

Q Well, what was he doing up there, if you know? A He was working for the J. Stadden Grocery Company.

Q You know where his family lived? A Yes, sir.

Q Do you know whether or not he had any children? A Yes, sir.

Q Did you ever learn his wife's name? A No, I know his wife when I see her.

Q Well, how long did he continue to live at Fort Scott, if you know? A About '95 or '6.

Q He lived there then to '96 or '6? A I think it must be '94, might have been, but I think it was '95 or '6.

Q Well, do you know whether or not his children went to school there? A Yes.

Q It was in '81 or '2 as I understand when you went to Fort Scott? A Yes.

Q You don't know where he had been living prior to that time? A No, I came from Illinois.

Q He lived there from about '81 up till '95 or '6? A Yes, sir.

Mr. Bledsoe: Do you know whether he resided there continuously or not, was there all the time from that time up? A His family was there all the time, and he was there; he might have gone a week or two but I don't know about that, he lived there and worked there.

Mr. Davenport: You remember any party for whom he worked while he was living there? A Worked for the Stadden Grocery Company all the time.

Commissioner: Do you know where he went from when he went to Kansas, know where he had been living previously to the time you got acquainted with him? A No, sir.

Q You know where he has been living since '95? A Yes, lives down south of Coffeyville.

Q Live there now? A Yes, sir.

Q In the Cherokee Nation? A Yes, sir.

Q You know when he came to the Cherokee Nation from Fort Scott, Kansas? A About '97 or '8.

Commissioner: This testimony will be filed with and made a part of the record in this case and also in cases P.D.-767, D-768, and D-769, and made a part of the record in those cases.

****

Irby A. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Irby A. Jones

Sworn to and subscribed before me this the 18th of October, 1921.

[illegible]

[illegible]

N.S.D. 76 p.....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of Sept 1901

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of Willie Easterig for enrollment as a Cherokee citizen:

Case No. D 768.

To Willie Easterig or J. E. Rhodes her Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell

M. W. Hastings

Attorneys for the Cherokee Nation

Cher. Fr. D-770

Cher. Fr. D-770

SUPPLEMENTAL TESTIMONY; CHEROKEE FREEDMAN, D.#770.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ellen Musgrove as a Cherokee Freedman.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Allen Lynch.
Q What is your age? A 61 years.
~~Q What is your post office? A Vinita.~~
Q Are you a recognized citizen of the Cherokee Nation, Freedman?
A Yes, sir.
Q Do you know Ellen Musgrove? A Yes, sir.
Q The applicant here? A Yes, sir.
Q How long have you known her? A I have known her ever since she was born.
Q Well, did you know her mother? A Yes, sir.
Q What was her mother's name? A Finis Downing before she married Carter.
Q Well, was Finis a slave? A Well, yes, sir.
Q What was Finis's mother's name and father?
A Jennie Downing.
Q What was her father's name? A His name was Reubin Downing.
Q Well was Reubin and Jennie Downing, were they slaves?
A Yes, sir.
Q To whom did they belong? A Reubin belonged to Johnson Downing and Jennie Belonged to Eliza Wright.
Q Well, did they go out of the Cherokee Nation during the war?
A Yes, sir.
Q When did they return? A Reubin ~~returned~~ came back down here in the winter of '65.
Q Well did he have Finis with him, do you know? A Had Finis and Alsie.
Q Which was the elder? A I think Alsie is the eldest.
Q Is Finis living now? A No, sir.
Q Finis married this man Carter? A Yes, sir.
Q Finis is the mother of Ellen Musgrove? A Yes, sir.
Q You are satisfied that Reubin Downing came back in 1865 and he had Finis with him? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Was Jess Cochran living in the old John Thompson house?
A Yes, sir.
Q And there is where Reubin Downing came to wasn't it?
A No, not when he first came, I think he went down to where his old Mistress, name old Jennie Downing's.
Q There is where he first stopped and settled? A I don't think he stayed there at all, I think he went down in the old end and came back up there.
Q Well, when did he come back up there? A I think he came back up there in 1865.
Q That was while young Jess Cochran was living? A Yes, sir.
Q Before his father was killed? A Yes, sir.
Q There was little girl born? A That girl was born I think she was born down on Grand River before they came out; oh, this girl, no, this girl was born here in the country.
Q Where? A She's in no no thinking in was Tahlequah or Grand River.
Q You don't remember? A No, sir, not where she was born here.

Engl.-D.#776.

Q Well, then, you have known her ever since she was born?
A Well I know of her.

BY COM'R MARTIN:

Q Has she lived in the Cherokee Nation with of your knowledge all her life? A Yes, sir, since she has been near as she has.
Q You say that Downing didn't stay on the Johnson Thompson place when he first came back? A No, sir, he didn't stay there.
Q Where did he stay? A He first went down and stopped at his old Mistress's place on Grand river.
Q Who is that? A Jennie Downing, and then he went from there back up on the on si side of grand river between George Clark's place and this Dirtseater place and the Bob Daniel place and lived there until he died.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 1st day of July, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 19, 1901.

In the matter of the application of Ella Musgrove for the enrollment of herself as a Cherokee freedman, being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Ella Carter.
Q How old are you? A 20 years old.
Q What is your post-office address? A Katoosa, I. T.
Q What district do you live in? A Delaware district.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My husband.
Q Where is he? A He is back there.
Q What is your husband's name? A Frank Musgrove.
Q How does your name happen to be Carter if your husband's name is Musgrove? A The people what raised me put it down that way.
Q I asked you what your name was now, your name is Ella Musgrove, aint it? A Yes sir.
Q Have you got any children? A No sir.

FRANK MUSGROVE, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Frank Musgrove.
Q How old are you? A 24.
Q What is your father's name? A Jack Musgrove.
Q Is he living? A No sir.
Q What is your mother's name? A Sallie Musgrove.
Q Is she living? A No sir.
Q Is your name on the 1880 roll? A I don't know sir, exactly.

APPLICANT, ELLA MUSGROVE, re-called, and further examined, by Com'r Needles:

Q What is your father's name Ella? A Robert Carter.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Winie Carter.
Q Is she living? A No sir.
Q Is your name on the roll of 1880? A I don't know sir.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant and name not found thereon.

Q When were you married to Frank Musgrove? A Last Christmas.
Q Were you ever married before? A No sir.
Q Was Frank ever married before? A No sir.
Q Have you been living together as man and wife all the time since you were married? A Yes sir.

Pursuant to the full authority of the Cherokee nation as shown in the applicant's certificate of enrollment, [illegible] Ella Carter, intermarried Musgrove, [illegible] authenticated roll of citizens of the Cherokee nation and for a husband and wife and found thereon, and omitted roll of citizens of the Cherokee nation [illegible] Frank's husband as shown and found thereon.

Recommending the roll of citizens of the Cherokee nation be amended for applicant's husband as shown and found thereon.

[illegible] correct, complete, and further questions to every [illegible]

[illegible]

[illegible] Needles.

Ella Musgrove 68

Q You sign that name? A Pretty near all the people calls me Frank.
Q How do you sign it? A I sign it Frank.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 189 #2702 Walter F. Musgrove, Connessauna District.

Q What proof have you got of your citizenship, you are not on the roll of 1880? A Well I have got some coming around here and I have got witnesses back there.
Q What proof has your wife got others? A She has got witnesses right back there.

COLUMBUS McNAIR, being sworn and examined by Com'r Needles, testified as follows;

Q What is your name? A Columbus McNair.
Q How old are you? A 51 years.
Q What is your post-office address? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q On the roll of 1880? A Yes sir.
Q Do you know Frank Musgrove, the applicant? A Yes sir, I know him.
Q How long have you known him? A Not very long.
Q You know his father? A Yes sir.
What was his father named? A Jack Musgrove.
Q You know his mother? A No sir, I didn't know her.
Q Is Jack Musgrove the applicant's father alive? A I don't know whether he is alive.
Q Was Jack Musgrove a slave before the war? A He was said to be, but I wasn't acquainted with him before the war at all.
Q You don't know where he was in '66 then? A No sir, I don't.

ANDERSON LYNCH, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q What is your post-office? A Vinita.
Q You are a citizen of the Cherokee Nation, Freedman? A Yes sir.
Q You know Frank Musgrove, the applicant here? A No sir, I aint acquainted with him.
Q You don't know this boy here, look at him (Pointing)? A No sir.
Q Did you know Ella Musgrove, the applicant here? A Yes sir.
Q Uncle Crap, you know this applicant here, Ella Musgrove? A Yes sir.
Q How long have you known her? A Ever since she was born.
Q Did you know her father? A Yes sir.
Q What was his name? A Carter.
Q What was his first name? A Robert Carter.
Q Did you know her mother? A Yes sir.
Q What was her name? A She was named Phebe.
Q Was her father and mother slaves? A Yes sir.
Q Who did they belong to? A They belonged to Dennis.
Q Both of them belonged to Dennis? A Yes sir, her father belonged to Dennis and her mother belonged to Miss Lina Bright, and then they married and there were they? A Yes sir.
Q Living on Dennis's place? A Yes sir.
Q Do you know how long Ella has been dead? A It has been long time, I don't know.
Q Did you ever hear what she died before the war? A Yes sir.
Q Did she die in Indian Territory or Kansas? A Yes sir.
Q Do you know what they moved of the Indian country? A Yes sir.

Ella Musgrove 3

Q Her mother was taken to Kansas, and old Man Reuben brought her back here, and she married and died; she was just a child when they took her out.
Q When did he bring her back? A He brought her back in '68, her mother and then is on the 1880 roll.
Q What was her mother's name put on the 1880 roll? A Finis Downing.
Q Was Finis the youngest child? A Yes sir, she was a baby one.
Q Had Finis mother married? A No sir, she is the mother of this girl.
Q And her name was Downing at that time? A Yes sir.
Q How did she get the name of Carter? A She married Carter.
Q She marry Carter after Ella was born or before? A It was before she was born.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother, and name not found thereon.

Witness: Finis is dead, and Carter took this child and brought her from the river out here somewhere.
Q What was Finis Downing's father's name? A Reuben Downing.
Q Is he on the roll of 1880? A Yes sir.
Q This child Finis maybe wasn't born at that time? A Yes sir, Finis was put on the 1880 roll.
Q You testify now then that the applicant here, Ella Musgrove, was the child of Finis Downing was she? A Yes sir.
Q And Finis Downing was the child of Reuben Downing? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's grandfather identified on page 245 #696 Reuben Downing, Delaware District, adopted sel'd/

Q Did Reuben and his family go out of the Nation during the war?
A Yes sir.
Q Where to? A They went up in Kansas.
Q When did he come back? A In '68. His wife died up there and he just had two of his children with him, the other children went South.
Q Reuben's other children? A Yes sir.
Q You know that this girl's grandfather Reuben, then was on the roll of 1880? A Yes sir.
Q And you know that Finis was a child of Reuben's, do you? A Yes sir.
Q Who was the mother of Finis? A Her name was Fannie, that was Reuben Downing's wife.
Q Was Jennie the mother of the other children? A Yes sir, mother of all of them. Jennie died up in Kansas, she wasn't on the roll of 1880; I don't think he took her off because he didn't put on the rolls straight.
THAT WAS IN [illegible] NOT IN [illegible]
Q Was Finis Reuben's Downing's daughter? A Yes sir.
Q How many did he have had by Finis? A One was the baby one.
Q Of the three you speak of, two died when in Kansas? A Yes sir, could walk good when her mother died.
Q That was up in Kansas? A Yes sir, in Kansas.
Q Where were they living at that time? A They were living at home.
Q Did the old man and his [illegible] good land down with [illegible] [illegible] to the reservation? A He was in school some short time [illegible] [illegible] and [illegible] [illegible] [illegible]

the close of the war? A Old man Reuben?
Q Yes? A He still stayed there until he died.
Q How big was Finis then? A He must have been five years old, maybe more.
Q What was these other children's name? A One he had along with him was Ailey.
Q How many children had he with him at the time you saw them up there? A He just had two, the others all was south.
Q Which two was it he had with him? A Well that was Finis and Ailey, them was the two youngest ones.
Q Where was Zebedee? A He was south he said, he sent down and got him after he got backdo re, some where was down there.
~~Q You know that of your own knowledge? A Yes sir; I forget who he sent after him though.~~
Q How far did you locate from where Reuben Downing located after you came back after the war? A It was five or six miles I guess.

COLUMBUS McNAIR, re-called and further examined;

BY COM'R EAKLES:
Q You know the applicant here, Ella Carter? A Yes sir.
Q How long have you known her? A Ever since she was a baby.
Q What was her father's name? A Robert Carter.
Q What was her mother's name? A Finis.
Q What was her name before she married Robert Carter? A Finis Downing.
Q Who was Finis Downing's father? A Reuben Downing.
Q His name on the 1880 roll is it? A Yes sir.
Q You know where Ella was born? A No sir, I don't know exactly where she was born.
Q You know whether Finis was taken out of the Nation during the war? A I don't know whether she was or not, I guess she were.
Q You know Reuben? A Yes sir.
Q When did Reuben come back? A I don't know sir.
Q You don't know when Finis came back then? A No sir, I don't know.
Q When did you first see Finis or Reuben after the war? A It was along about '67.
Q Early part of '67 or the latter part? A Well I don't know exactly, I couldn't place the time exactly, I think though it was along in the fall I saw them.
Q You didn't see him here in '60? A No sir, I never saw him in '60.

ALLEN ROGERS, being sworn and examined by Com'r Eaokles testifies as follows:

Q What is your name? A Allen Rogers.
Q What is your age? A 32 years old.
Q What is your postoffice? A Ada.
Q You know the applicant, Ella Musgrove? A Yes sir.
Q How long have you known her? A Her father is my cousin.
Q You know old Finis? A Yes sir.
Q What was his name? A Jack Ned Grove.
Q You know Zebedee? A Yes sir, I knew him.
Q What was her name? Ella Musgrove.
Q Was they living together one of them? A In my back yard.
Q Did Ella Musgrove go by name? A Jack and Ned.
Q Was Jack? A Ella.
Q He was a girl? A Yes sir.
Q Why did he go by Ned? A He belonged to Ned Grove's mother.
Q Was Ella

Ella Musgrove 8

Q Was he antimetxxx a Cherokee Indian? A Yes sir.
Q Was Jack taken outof the nation during the war? A He went out, some way or another.
Q How far did he go? A Up in Kansas, Council Grove.
Q You know when he came back?A No sir.
Q When did you first see him after the war? A Down here at uncle Rab's, his brother.
Q When was that? A I can't tell.
Q You don't know how long after the war it was? A No sir.
Q How old did you say you are? A 39 years old.
Q You were a small boy then? A Yes sir.
Q You have known Frank all his life? A Yes sir.
Q He has always lived in the Cherokee Nation? A Yes sir.
BY R. DAVENPORT:
Q You can't remember when the war broke out yourself? A No sir, I can't remember that at all.

Com'r Needles, to applicant, Frank Musgrove;
I think you had better withdraw your application until your aunt comes; she will know more about it want she? A Yes sir, all right.

ELLA MUSGROVE, re-called, and further examined, by Com'r Needles:

Q How long was your mother been dead? A About 12 years.

Com'r Needles: Ella Musgrove applies for the enrollment of herself; she avers that she is married to one Frank Musgrove; she is a child of Robert and Finis Carter; she can not be identified upon the authenticated roll of 1880 or the census roll of 1896, she is identified upon the Vann-Clifton roll as Ella Carter; she avers that she is a child of Finis Carter, whose name is not found upon any of the rolls of the Cherokee Nation now in the possession of the commission, she having been dead for the last 12 years; consequently would not be upon the Vann-Clifton or the Tahlee Roll; she cannot be identified upon the authenticated roll of 1880; the contention is made that Finis Carter is a daughter of Reuben Downing, and the name of Reuben Downing is found upon the authenticated roll of 1880 according to page and number of the rolls as indicated, in the testimony it is averred that all of Reuben Downing's family are on the roll of 1880, but the name of Finis his youngest child, cannot be found; as to the mother matter of her citizenship reference is made to the testimony; the claimant's satisfactory proof as to residence and will now be limited for enrollment as a Cherokee by blood on a contested card; as Ella Musgrove, her husband being one Frank Musgrove.

[illegible] being first duly sworn, stated that he stenographer to the Commission to the Five Civilized Tribes by [illegible] recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes taken.

Subscribed and sworn to before me this [illegible]

Kommer

Cherokee Freedman D 770

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ella Musgrove for enrollment as a Cherokee Freedman.

-1-

D E C I S I O N.

The record in this case shows that on June 19th, 1901, Ella Musgrove appeared before the Commission at Nowata, Indian Territory and made personal application for enrollment as a Cherokee Freedman.

The evidence shows that the applicant, Ella Musgrove, nee Carter, is a descendant of Robert and Finis Carter, both now deceased, who were the slaves of Cherokee citizens at the commencement of the war of the rebellion. During said war the applicant's mother was taken out of the Cherokee Nation into the state of Kansas, but returned to said Nation in 1865, where she continued to reside until her death, about ten years ago.

The evidence further shows that the applicant was born in the Cherokee Nation, and has been a resident thereof since her birth.

It is, therefore, the opinion of this Commission that Ella Musgrove should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman

T. B. Needles.
Commissioner

C. G. Davis
Commissioner.

Muskogee, Indian Territory,

this _____

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEBLETT,
C. R. BREECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CMM R.

CITE IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-270.

Muskogee, Indian Territory, January 10, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1905, granting the application for the enrollment of Ella Musgrove as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. L-90.

Cher. Fr. D-771

Cher. Fr. D-771

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Jackson Fields for the enrollment of himself and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mallette, of Mallette & Smith, attorneys for applicant
Mr. W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Jackson Fields.
Q How old are you? A 46.
Q What is your post-office? A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A Yes sir.
Q What do you want to enroll yourself? A Myself and about eight children.
Q Well about eight, is it nine or seven? A It is eight.
Q You want to enroll your wife? A Yes sir A-
Q Will she go on herself? A Yes sir.
Q What is your wife's name? A Lucretia Fields.
Q Give us the names of the children, those under 21 years of age, that are unmarried? A James Fields.
Q How old is James? A 15 years old.
Q Next child? A Elias Jones.
Q How old is he? A Ten is it.
Q Next one? A Hester.
Q How old is Hester? A Six is it.
Q Next one? A Sisley.
Q How do you spell that old name? A S-i-s-l-e-y.
Q How old is Sisley? A She was born January 21, 1893.
Q Number eight is a girl, what is her name? A Alexander.
Q How old is Alexander? A She was born January 10, 1895.
Q Six years old, is it, or, is she nearer seven years old? A Yes sir.
Mr. Mallette hands list and makes it part of application:
William Hensley, born in 1887, and Jessley, born in 1888, and Abe Wilson, was born February, 1892 and.
Q Are these children all living at this time? A Yes sir.
Q Are living with you now? A All sir.
Mr. H. Examined.
Q Jackson, where did you live when the roll was made in 1880 during the war? A Yes sir.
Q Where did you live? A I lived down below the Agency, Salt Lick.
Q How old were you? A I didn't know my age, my mother was a slave, Dixie Ross.
Q Was she a Cherokee slave? A Yes sir.
Q What was your father? A Abe Fields.
Q Was he a Cherokee? A Yes sir.
Q Where did your father live? A Down below.
Q Was he a slave, and he and his wife and grandfather and grandmother and all belonged to Cherokees.
Q Where was your father? A He was living away off from me to me I thought he was down to Fort Smith in the war.
Q He didn't live with you? A No sir.
Q You were living with your mother? A Yes sir.
Q And that was in what? A Delaware.
Q Was she a slave? A Yes sir.
Q Was she a Cherokee? A Cherokee.

Q The same one that owned you? A Yes sir.
Q What part of Kansas did you go to during the war?
A I went to Ft. Scott.
Q When did you come back to the Cherokee Nation after the war?
A In '66.
Q Who did you come back with? A With a man by the name of Moses Carter.
Q Who came back with you? A Moses Carter.
Q I know, and of your brothers or sisters or your mother? A My mother died up in Kansas.
Q Your mother died up in Kansas? A Yes sir.
Q Are you the only one of your family that came back with Moses Carter? A Yes sir.
Q Where did you come to? A I come somewhere here in the nation, I donot know just where.
Q You were young? A Yes sir.
Q You remember just about where you came? A No sir, it was on some creek.
Q Where were you the first you can remember in the Cherokee Nation? A I core to Joe Lynch's.
Q Where is that? A That's down on the Grand river.
Q Have you lived in the nation ever since that time? A No sir, not ever since.
Q Where have you been? A I went up there to Kansas after I got big enough to work.
Q What did you do after you got back to Kansas? A I worked, chopped wood.
Q What has been your home? A Here in the Nation.
MR. HASTINGS: I object to that question.
Q Where have you lived since you came backhere in '66, where has your home been since you came backhere in '66? A
MR. HASTINGS: I am going to object to that question. The representatives of the Cherokee Nation object to this question, first, because it is a legal conclusion to be deducted from the facts and for the commission to pass on as to where his home was, and the facts themselves ought to be developed, and the conclusion ought to be left to the Commission.
Com'r Needles: I think you might to ask him where he lived and bring out the facts.
Q How much have you lived in Kansas since you came back here in '66? A I have been back there about three different times, I guess.
Q How long would you stay? A 9 or 10 months at a time.
Q What would you be doing up there? A Fixing some one thing and another, some times I would go up in the fall and stay all the winter and chop wood for people, and cut corn.
Q Did you consider that your home place? A
MR. HASTINGS: I object.
MR. MILLER: Mr. Commissioner, a man's home is made by himself, he may come from one place to another, and stay one year, but has been in the territory, such as in Indian Territory and stay and come backhere and bring this to his home.
MR. HASTINGS: If he was said and what he done, you could see a man what he did in Washington, if a man was across the ocean, a sailor or anything of that kind, his home might be here in the nation.
Q You have been back there three times and stayed 9 or 10 months? Yes sir.
Q When which you came back to stay was you married? I had one wife.
Q If you are married now is the same wife with the you? Yes sir.
Q How long have you been married? I have been married six years.

Jackson Fields et al.

Q How long ago was that been? A That's been about 18 years I guess.
Q How when you [illegible] would go up into Kansas what would you go there for? A I would go to work.
Q And when you got through you would do what? A Come back.
Q Come back where? A To the nation.
Q What would you come back to the nation for? A Because I considered this my home here and I went off to work and get me some clothes and a little money, and then I would come back home.
Q Now your father, do you know what became of him during the war?
A No sir, I don't know where he went during the war.
Q Did you see him after the war? A No sir, I heard of him though.
Q Where? A Heard he was down here on Pecan Creek last I heard of him.
Q In what nation? A In the Creek Nation.
Q You never did see him after the war? A No sir.
Q You know whether he died soon after the war or not? A No sir, he died two or three years ago.
Q Where did he live during that time, in the Cherokee nation or the Creek Nation? A No sir, when I heard of him he was living out there on Pecan Creek.
Q In the Creek Nation? A Yes sir.

BY COM'R MEDLEY:

Q You say you worked up in Kansas occasionally? A Yes sir.
Q Did you have your family up there? A No sir, I didn't have no family then.
Q You have had a family a good many years haven't you? A About 18 years, I guess.
Q Well have you lived up in Kansas since you have had a family?
A No sir.
Q Your family ever lived in Kansas? A No sir.
Q Where were your children all born? A Born in the nation.
Q Since you were married and had a family you would go up to Kansas occasionally and work yourself? A Yes No sir.
Q You have never been anywhere since you married? A No sir.
Q Always been here? A Yes sir.

BY MR. [illegible]:

Q How you married about 18 years ago? A Yes sir.
Q What year was that? A It must have been '88 or 9 I guess.
Q You don't remember exactly? A One or the two.
Q What year was your first child born? A It was born in '88.
Q Where was that child born? A Down on the river.
Q How did you know the other brothers and sisters in Kansas at the time you left there and come back here? A I don't know whether they were in Kansas or not.
Q Don't not know whether you left them there or not? A I started, they weren't with me when I started.
Q How long has your father been dead? A He hasn't been dead long.
Q Well a few months or year or more? A Oh about a year I reckon.
Q How did you come down here, in a wagon or afoot or how? A Well I walked a part of the way, and rode in a wagon part of the way.
Q How many days did it take? A I don't know, I have forgotten good.
Q Was there a lot of them? A No sir, a couple I believe.
Q And? A I think there was.
Q And you got one friend coming to court here? A No sir.
Q Did you come in alone alone? A I don't know who came in the wagon I was.
Q You don't know who? A No sir.
Q Did you come in alone? A I don't know just how old I was.
Q Didn't you be up? A [illegible]
Q [illegible]

Moses Carter.
Q Was he any relation to you? A No sir.
Q Was there anybody in that crowd any relation to you? A No sir.
Q How long did you stay with Moses Carter after you got down here?
A I reckon about a month.
Q Then where did you go? A I went on Grand river.
Q Where did Moses Carter stop? A He stopped somewhere this side of the river, I don't know exactly whereabouts.
Q You left him then up there and you went down to the river? A Yes sir.
Q Now to whose place did you go on the river? A I went down to Joe Lynch's.
Q Was he living there at that time? A Yes sir.
Q That's the man that's known as Joe Lynch or Joe Buzzard? A Yes sir.
Q Nicknamed Buzzard? A Yes sir.
Q He was living there at that time? A Yes sir.
Was his family living there? A Yes sir.
Q Where was he living, on what part of the river? A On this side of the river.
Q Did he have a place of his own? A No sir, not then he didn't; only a house.
Q He was living in a house though was he? A Yes sir.
Q On this side of the river? A Yes sir.
Q Now what neighbors did he have living about him? A I don't know about his neighbors.
Q Did you know of anybody living around him? A Wasn't any one living right close around as I know of.
Q How long did you stay with Joe Lynch? A I stayed there quite a while, I don't know just how long.
Q Well about, your best judgment as to the length of time? A I stayed there until I got big enough to rustle out and try to make my own living.
Q Was that six months? A Yes sir.
Q Well about how long? A Four or five or six years I reckon.
Q You mean to say you stayed there that length of time and yet you don't remember anybody who was living about him? A No, I don't say I lived there that long and didn't know who was living about him.
Q Did you know Wallie Bell? A Not for a long time afterwards.
Q He was living down there? A I don't know whether he was or not.
Q Did you know Joe L. Thompson? A No sir.
Q Did you know Matt West? A No sir.
Q Now Bring this Well now who did you know that lived around Joe Lynch at that time, or the first one who lived around him? A Well I know Crip Lynch.
Q Where did Crip Lynch live at that time? A He lived up the river.
About how far? A I don't know how far it was.
10 or 12 miles? A It wasn't that far.
Well about how far? A Well I didn't measure the distance, I don't know how far it was.
Do you think it was as much as eight miles? A I don't think it was.
Why? A I don't know.
Do you think it was 5? A Yes, it was only two miles.
On which side of the river was Crip Lynch on the same side of the road as Joe Thompson? A Living on this side.
On the same side of the river you were living on? A Yes sir, same side.
Living in the house with him? A Yes sir.
Is that the only place you ever lived with him sir,
How long did you live with him? A Two years.

Jackson Fields et al R.

Q Was there anybody else living around in there that you knew in that five or six years that you stayed at Joe Lynche? A Yes sir. Andy Fry lived there.
Q How far was Andy living from you, your best judgment? A He was not living over 10 miles.
Q You can't name any other neighbors? A Tobe Bean and Art Bean.
Q What family did Mose Carter have at the time you were living with him in '66? A I don't know.
Q You don't remember his family? A No sir.
Q You don't remember his wife's name? A No sir.
Q Don't remember his children? A No sir.
Q And yet you said you lived with him five or six years? A No I didn't.
Q Well you say you came down with him? A Yes sir.
Q What kin is Joe Lynch to you? A He is a brother-in-law.
Q Brother-in-law of yours? A Yes sir.
Q You don't know anybody that come in that other wagon along with Mose Carter? A No, I didn't know or acquainted with them.
Q You didn't know Mose Carter before the war? A No sir.
Q What year did your mother die? A She died just about a year before I got back to, as near as I can remember.
Q How long after the war was it? A It was time the war was going on.
Q Well you went from Joe Lynch's to Kansas, what part of Kansas? A I went up about Humboldt.
Q The same place that you had left? A Yes sir.
Q What did you do about Humboldt? A Chopped wood and done chores around town.
Q Who did you stay with when you came back? A I stayed at Joe's
Q At the same place you lived before? A Yes sir.
Q Was he living at the same place? A Yes sir.
Q How long did you stay with him the second time you came back?
A Oh a year or two or so.
Q Then you went back to Kansas did you? A Yes sir.
Q Humboldt? A Yes sir.
Q You know Dr. H. D. Pressler? A Yes, I know him.
Q When did you first get acquainted with him first? A I don't know how long ago it was.
Q Shortly after you came from Kansas wasn't it? A I cut corn for him, I don't know.
Q You told him where you had been to didn't you? A I don't know whether I did or not.
Q How long had you been back from Kansas when you cut corn for him? A I guess about a couple of years.
Q Who married you? A Love Rose.
Q You married over on the river? A Yes sir.
Q What was your wife's name? A Lucretia.
Q What was her name before you married her? A Johnson.
Q Is she an enrolled or state freed? A State freed.
Q Where did you first meet her? A Here in Virginia.
Q What kind of work did you over do in the territory before you married? A Chopped office and made rails.
Q What did you chop wood for mostly? A I chopped some for John Bell, I chopped wood for Bellona time he was that committee from there.
Q Was there any ceremony to be done when you was married? A No, just along.
Q Mr. Reporter —
Q Johnson, are you the same Johnson mentioned A Yes sir.

Q Qualified to be a voter of the Cherokee Nation [illegible]
[illegible]
[illegible]
[illegible]

page 140 #3486 Eliza Fields, Coo-wescoowee District;
page 140 #3487 Hester Fields, Coo-wescoowee District
page 140 #3488 Cyrilla Fields, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 188 #3453 Jackson Fields, (No district)

BY COM'R MEADES:
Q When were you married to Lucretia Johnson? A In '84.
Q Is she the mother of all these children? A Yes sir.
Q Have you any proof of your marriage? A Yes sir.
Q She was a non-citizen was she? A Yes sir.
Q What proof have you got of your marriage, have you got a marriage certificate? A No sir.
Q Who married you? A Jesse Rowe.
Q Is he living? A No sir, he is dead.
Q Have you got anybody that was present and saw you married?
A No sir.
BY E. HASTINGS:
Q Were you ever married before? A Yes.
Q What was your first wife's name? A Rhoda Eaton.
Q When did you marry her? A In '83.
Q You and Rhoda Eaton separated when you married this woman?
A No, she died.
Q Where did you marry Rhoda Eaton? A Down on the river.
Q That Rhoda Eaton your first wife? A Yes sir.
Q That Lucretia Johnson ever married before? A No sir.
BY E. HASTINGS:
Q At the time you married Lucretia Johnson, the mother of these children, your former wife was dead? A Yes sir.
Q And you had no wife living at the time you married her? A No sir.
Q And had she any living husband? A No sir.
Q Have you and Lucretia lived together since you were married, as man and wife? A Yes sir.
Q Continually? A Yes sir.

GEORGE W. LYNCH, being sworn by Com'r Meades, testified as follows:

BY MR. HASTINGS:
Q What is your name? A George W. Lynch.
Q What's your age? A I am about 40.
Q Where do you live? A I live in Vinita.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Well [illegible] I have been knowing him about 38 or 9 years.
Q You remember where you first saw him after the war? A Yes sir.
Q Where? A On Grand River at Joe Lynch's.
Q What year was that? A Well it was along in the winter of 1866.
Q Have you known him since that time? A Yes sir, I have known him [illegible] that.
Q You don't know anything about his being over war or at the beginning of the war? A No sir, I didn't see him until then.
Q Did you see him staying at Joe Lynch's? A Yes sir.
Q What was he doing? A Yes sir.
BY MR. HASTINGS:
Q You say that was about 38 or 9 years ago? A Yes sir, I didn't [illegible] you made a mistake.
Q How many years ago exactly? A [illegible] 38 or 9 years ago.
Q Was I not in the neighborhood? A Yes sir.
Q How old are you? A I am [illegible]

Jackson Fields et al ?

Q You were about 14 years old then? A (No reply)
Q Are you on the roll of 1880? A I don't think I am.
Q Are you any kin to Joe Lynch? A Not a bit.
Q Are you any kin to this applicant? A No sir.
Q Joe Lynch is the man commonly known as Joe Buzzard? A Yes sir, that's his nick-name.
Q Where was Joe Buzzard or Joe Lynch living at the time you saw this boy? A He was living out there at the edge of the prairie, as well as I can remember, about the place he is living now, but not in the same house.
Q It's all the same field though, the same premises? A Same premises as well as I can remember.
Q Did Joe Lynch have a house there then when you saw him? A Why it was some kind of a little old cabin.
Q How long had Joe Lynch been there when you saw this boy? A I couldn't say anything about that, sir, I don't know how long he had been there.
Q But Joe Lynch was there? A Yes sir, he and his wife.
Q Who lived near Joe Lynch at that time? A Well sir, I don't know, that was the first time I ever was over there at that time.
Q Where did you live at that time? A Why I hadn't been there over about a week or so, probably two weeks, Art Williams taken me over there; it was reported that there was going to be a dance over there, and I went over with Art.
Q In Joe Lynch's house? A It was said there was going to be a dance at Joe Buzzard's.
Q Did Joe have any neighbors living around him at that time? A Well I don't remember right around there, it was pretty thinly settled there then. In fact it was about dark when we went up there.
Q Where were you living? A I went from what was known, and led then the Dinsmatt Prairie.
Q Who were you living with? A I was at old man Griffin Daniels, Art come right there and that's where I went from with him.
Q Did they have a dance? A No sir, they didn't have it; I don't know what was the cause of it.
Q When did you next see this boy? A I didn't see him any more I guess it must have been about five or six years after that.
Q Where did you live in the meantime? A I didn't live anywhere, but very short time after that I went off and joined the army.
Q How long was it until you returned? A After I went it was about, I stayed five years, I was in the Regular Army.
Q When you were mustered out did you come back out there? A Yes sir, came back on Grand River.
Q Where was this applicant at then? A Well I don't know right there he was at that time; I would see him now and then, I don't know just who he was living with; I could see him around the country once and then after I began to.
Q Do you remember any topographic place you saw him? A I don't know I could qualify a great deal.
Q You don't know who he lived with? A Really I think as well as I could understand [illegible] coming from [illegible] to another.
Q You moved about [illegible] back to Kansas? A Yes, I didn't know where he went.
Q [illegible] back to Kansas? A [illegible]
Q [illegible] A I could see him in the course of a year.
Q [illegible] A [illegible]
Q [illegible] A [illegible]

it must have been four or five miles.
Q Have you lived in that neighborhood ever since then? A Well I have lived out west on Cedar Creek.
Q When did you leave that Grand river settlement? A I lived on Grand river up until about '84 or '5 or '6, some where along in there.
Q Well now I want to know if you know who this man lived with up to that time and after you were mustered out of the army? A Well I don't know for certain who he lived with, I have just seen him here and about, I couldn't state that he lived with anybody in particular.
Q You know where he was first married? A I know where he was married once, I don't know where it was his first time or not.
Q What was his wife's name? A The woman I knew him to marry then her name was Lou.
Q Lou what? A I don't know the other name, I know they called her Lou.
Q You know whether he had been married before or not? A No sir.

ANDERSON LYNCH, being sworn and examined by Com'r Needles, testified as follows:

BY MR. SKLENTER:
Q What is your name? A Anderson Lynch.
Q What is your age? A 64.
Q Where do you live? A I live out on Grand river.
Q What is your postoffice? A Vinita.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Jackson Fields? A Yes sir, I know him.
Q When did you first get acquainted with him? A I knowed him before the war when he used to live with his mistress down here at Ross'.
Q Who was his mistress? A Susan Ross.
Q Was she a Cherokee citizen? A Yes sir.
Q Where did you first see him after the war? A By the river here close to the brick on the Johnson Thompson place, he was small then, he must have been about 10 or 12 years old, maybe older.
Q Where did you see him? A I just met him going up towards the brick, up towards the brick house towards the Johnson Thompson's place.
Q When was that? A It was in the year '66.
Q You know where he was living at that time? A No sir, he was just working about first one place and another, just travel lin.
Q You did know him before the war as a child? A Yes sir.
Q Did you see where he went during the war? A He went into Kansas.
Q Do you know when he came back home? A No sir, I don't know the date he came back.
Q Mr. Lynch,
Q Now [illegible] in all his life up there in the woods? A Yes, about A were not far from the river.
Q And you have testified that for 50 years [illegible] A No, I [illegible] I just happened to [illegible] it [illegible] I [illegible] sir.
Q Now remember now and that you are to be sure now in the [illegible] I don't argue I am.
Q [illegible] A I don't know, I [illegible]
Q [illegible] A I don't know.
Q [illegible] I don't know.
Q [illegible] I [illegible]

Q What year did Wallace make a roll? A I don't know.
Q What year did the Kern-Clifton Commission sit and make a roll?
A I don't know what year it was.
Q You don't remember when the Kern-Clifton court met, and you had seen him? A It must have been about three or four years ago.
Q You don't know one year from another? A Some times.
Q You don't know what year this is? A I don't know.
Q How much has this fellow given you to witness for him? A He ain't givenme anything yet.
Q What has he agreed to give you? A He ain't agreed to give me anything, he said he would help pay my board if I would state where I saw him and that I knowed his people.
Q You never knew it until then? A Oh I studied it up and I knowed where I first saw him around.
Q What was his mother's name? A Chaney.
Q Did he have a brother older than him down there when you saw him, before the war? A He might have, I don't know exactly.
Q Did he have a sister older than him down there? A I don't know which was oldest, but I think he did have a sister.
Q You don't know her name? A No sir, this was the only one that come up and stayed around me most
Q Has he stayed around you any before the war? A No, no, just since.
Q How far did you live from him then before the war? A It must have been 15 miles, I would go down there to the post-office every Saturday.
Q You saw him out of the family, and you don't know the names of his brothers or sisters, and yet you know him? A Yes, I knowed the names of them, but I have pretty near forgot them.
Q You haven't got very good memory have you, anyway? A Oh it will sort of do.
Q You don't know who this fellow was living with after the war? A No, I don't know who he was living with after the war, he was working around there, and married off and that woman died, and he married again, and he has got some children pretty near grown; that's all I know, he got there ever since.
Q You saw him there continually all the time? A I have heard of him, he lived about a mile and a quarter from me all the time.
Q He did? A Yes sir.
Q Never never left? A No, not ever since.
Q Where did he live first, 20 years after the war? A I couldn't tell you, he was just there, round and about, first one place and another, working.
Q Was he [illegible] longer than he lived and worked for [illegible] longer? A I never paid much attention to it, just whatever he could get a job of work; I know he made some little money [illegible].
Q How much did he pay for you? A Four hundred.
Q That's what you [illegible] for the first 20 years after the war? A [illegible] he has just been [illegible] the neighborhood, [illegible]
Q And you [illegible] for a single person [illegible] he lived? A [illegible] around [illegible]
Q [illegible] A [illegible] tell you, they [illegible]
[illegible]
[illegible]
[

happened to meet him in the road up there? A That's where I first placed him and knowed whose boy he was.

Q Riding horseback was he? A No, he was afoot, didn't have no horse.

BY MR. WELLTER:

Q What do you know about his being married to his present wife?

A This last one?

Q Yes? A Well, he married her; Jesse Rowe married them, but I don't know how long it has been.

Q You were present when they were married? A No sir.

Q Have they represented themselves as man and wife since that time?

A They always just lived together same as man and wife from the looks of the children they have got there.

Q What made you say Jesse Rowe married them? A That's where they went up to get married, I wasn't up there.

Q How did you know they went up to get married? A I heard of them going up to get married.

Q And since that time they have lived together as man and wife?

A Yes sir.

Q That has been a good many years? A Yes sir.

BY COM'R NEEDLES:

Q Been acknowledged through the neighborhood as man and wife?

A Yes sir.

Q Everybody consider them man and wife? A Yes sir.

BY MR. WELLTER:

Q That has been more than 10 years ago? A Yes sir.

Q They have got children almost grown? A Yes sir. First woman he married died, and he never had no children by her.

BY MR. MARTIN:

Q You remember seeing him go to get married? A Yes sir, he was going to get married, I never saw him.

Q You saw him when he started to get married? A He was going in a wagon with the women.

Q You saw him? A Yes sir.

Q You don't know what year that was? A No sir.

Q But you remember the year you met him in the road? A Yes sir, I remember that year.

QUINCY W. [illegible], re-called, and further examined.

BY MR. [illegible]:

Q Do you know anything about this man being married to his present wife? A Yes sir, I was right on to present whom married.

Q Who married them? A Old man Jesse Rowe, the father of Lewis Rowe.

Q Where he married? A He was married right on this side of the river, here at Nelson's Ferry, the old man had a little place there, right at his house; it was the fall of '94.

[illegible] Jackson Fields appears for the neighborhood [illegible] children [illegible] called [illegible] roll of [illegible] [illegible] [illegible]

Jackson Fields et al 11

will be listed for enrollment as Cherokee freedmen, on a doubtful card; his name not appearing upon the authenticated roll of 1880; he will be notified by mail of the action of the Commission in the premises, when arrived at.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 27, 1901.

Commissioner.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C.F.D-771, Jackson Fields.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Jackson Fields for enrollment as a Cherokee Freedman.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. Davenport, of attorneys for the Cherokee Nation.

J. E. THORP, being sown by Commissioner Needles, testified as follows:

~~BY MR. DAVENPORT:~~

Q What is your name? A J. E. Thorp.
Q How old are you, Mr. Thorp? A 64.
Q Where do you live? A Iola, Kansas.
Q How long have you lived at Iola, Kansas do you think? A 44 years.
Q Since you have been living at Iola, Kansas did you get acquainted with the family of colored people by the name of Fields?
A I knew two boys, two brothers by that name.
Q What were their names? A Cal and Jack was the names they went by.
Q Do you know with whom they came to that country? A No sir, I do not.
Q When did you first see them at or near Iola, Kansas? A First I knew of them they were living just a block from me; I lived on West Street and they lived on Madison Avenue. That was after I was married, in fact the following winter of '67 and '68.
Q Now how long did they remain there, Mr. Thorp, to the best of your knowledge? A Oh they were about town for quite a while, and finally drifted out into the country on Deer Creek and to the north of Deer Creek.
Q I am speaking of how long they remained in the vicinity of Iola? A Jack was there a not there so long.
Q Did they stay there one year or more? A Oh yes, yes, certainly.
Q Well can you give one estimate? A Well Jackson as I say was probably there 6 or 8 or 9 or perhaps 10 years so far as that is concerned.
Q Did Calvin stay longer than Jackson? A He was there some two or three years longer, but I want attempt to be specific; that was the elder of the two.
Q And they were there when you were married, along in '67 or '68?
A Oh I judge they were there at that time.
Q You say they there the following winter? A Yes sir

BY MR. MELLETTE:

Q How far is that from here to Iola, Kansas? A I couldn't tell you
Q Give us an idea? A About a hundred miles I guess.
Q How far is Fort Scott from Iola? A 42 or 44 miles, I don't know exact, 42 miles exactly.
Q Did Jackson Fields ever live in Fort Scott? A I heard-
Q Now you are going on what you heard? A I don't know whether he was in Fort Scott or not, he was about town a while.
Q You don't know whether the Jackson Fields you mean are the Jackson Fields who applied here for citizenship or not? A Don't know, no sir, outside of what I have heard.
Q When did you first see the Jackson Fields you are talking about?
A Oh, I don't know just what lot, bless me-
Q I know, but when did you first see them? A [illegible] Why along the old winter of '67 and '68 after I married when I moved to town.
Q You say that time absolutely? A Oh morally so, yes; as far as my memory goes, yes sir.
Q Was he a grown man at that time? A Oh no sir.
Q How old was he? A Well I judge as near as I can remember I [illegible] from memory, he was probably between [illegible], 12 or 13 years

old.
Q Do you remember every little colored boy you saw up in this countryin '67? A I remember them, from some peculiar conditions; they used to go over and chop wood for us.
Q Every colored man worked for you or your wife? A Yes, a good many did.
Q And you remember all of them? A Oh I can hardly fail to remember some of them.
Q Now 35 years ago you remember Jackson Fields as a little 12 or 13 year old boy, and remember the year that you saw him? A I can explain it to you if you wish.
Q I don't ask for any explanation, answer my question? A Yes sir, I remember him.

BY MR. DAVENPORT: I object right now; he said he wants to make an explanation and he has got a right to make it now.

COMMISSIONER MERDLES: He can make the explanation on cross-examination.

BY MR.MELLETTE: I don't care; let him make it.

A I saw the little boys under very adverse circumstances on a very cold morning.
Q You saw them on a coldmorning did you? A Yes sir.
Q How low was the thermometer? A I don't know.
Q Is it possible that you didn't examine the thermometer 35 years ago? A I think I had one, but I don't think I consulted it.
Q Do you remember seeing Jackson Fields on a cold morning 35 or 40 years ago? A Yes sir; they were starting out with a little wagon.
Q How many cases have you been a witness in since you came down here? A I don't know sir.
Q As many as 10? A No, I think not.
Q Six? A Perhaps, yes, perhaps.
Q What other colored boys did you see up there 35 years ago besides Jackson Fields?A Oh there was numbers of them.
Q Only two? A Well there were not so many in there, but there were a few. Mr. Jonas Carter had two boys of his own,
Q How old were they? A I think they were little larger.
Q That kind of a morning did you first see them? A Oh I don't know.
Q How do you not remember the kind of a morning you saw the Carter boys? A I recorded them as being illy clothed for the weather.
Q What year did you see Jackson Fields? A I think about '68 is my memory, besides the first winter I lived in town; I married the 5th of March, 1867.
Q You were married how many years ago? A 5th of March,'67.
Q And you remember that it was the spring after you married that you saw this colored boy 13 or 14 years old? A Oh yes.
Q How do you remember that? A I think I do; I wouldn't so state if I didn't.
Q You said awhile ago you were morally certain, what do you mean by that? A Oh well, practically so
Q Practically? A Yes sir.
Q That means that you might be mistaken? A Oh yes, certainly, but I don't think I am; things will become vague in the lapse of time.
Q Who was the father of this Jackson Fields? A I didn't know him, I never saw him, if my memory serves me right they were the children of a second wife, Mrs. Carter by a former husband.
Q Who was Carter you are talking about? A Colored man up there by the name of Jonas Carter; been dead a great many years.

BY MR. DAVENPORT:

Q About what size was Jackson Fields when you last saw him before he moved away from there? A I expect he is as large as he is now; appeared to be small for his age.
Q Was he grown? A Yes sir, I expect he was.

Tampa Fla. 3

W.E.Creed, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

CONTINUATION OF THIS CASE PAGE BY STENOGRAPHER, CHANGE YOU MARK.

File this with the case of Calvin Ross, C. P. D. #777.

= = = =

Q How long did they live there to your knowledge after you become acquainted with them? Some time, I can't tell the years.
Q About how many years? A They were not grown when I first become acquainted with them and they were both married when they left there and Jackson left his woman, she is there now.
Q What is her name, what was her name before he married her? A Fannie—I know the name if I could think of it.
Q She is there yet? A Yes sir.
Q How many years ago was it that Jackson left his wife Fannie up there? A From 16 to 20 years ago.
(By Mellette)
Q Do you know whether the Jackson Fields that has applied here for citizenship is the Jackson Fields you are talking about? A I dont know, I haven't seen him.
Q Where was that Jackson Fields that you are talking about, in '66?
A I cant say positively if he was there then or not.
Q Where was he in '67? A I cant say positively about that, I know he was there and come there, I think, with Jonas Carter, I wouldn't be positive where he was in '67.
~~You have just about as goo a recollection of these two particular~~ men thirty five years ago as you would have of any other two colored men haven't you? A Well I can't remember everything about them exactly.
(By Davenport)
Q How near to them did you live? A Close by on the same farm.
(By Mellette)
Q Is this Jackson Fields? (Pointing to a colored man named Lewis T. Brown, sitting beside him) A I think that is the boy, yes that is the boy (don't you remember me—WITNESS OF APPLICANT—)
Q You think this is the Jackson Fields that you saw up there do you?
A Yes sir that looks like him, it has been 16 or 18 years since I saw him

M.G.ROBINSON, being first duly sworn by Sam'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport) Q What is your name? A M. G. Robinson.
Q What's your age? A 59.
Q What is your post office? A Iola, Kansas.
Q How long have you lived there? A Ever since the spring of '78
Q Did you get acquainted with some colored people named Fields up there? A Yes sir some little acquainted with them.
Q What were their first names? A Jackson and Gal.
Q What size were they when you first got acquainted with them? A They were grown, Jackson was not very large, but I think they were grown.
Q Are they living there now? A I think they have moved away from there
Q How many years did you know them there? A I hardly know now, I was acquainted with them—well I dont know how soon after I got there that I got acquainted with them——anyway they left there about 15 or 20 years ago.
Q Did they live there after you got acquainted with them were them a year? A I think they did, I am satisfied they did, but am not positive
(By Mellette)
Q You dont know what year you got acquainted with them? A No sir.
Q Or how long they lived there after that? A No sir.
Q How far is it from here to Iola Kansas? A I cant say.
Q About a hundred miles? A Somewhere about there.

Thos. von Wise being first duly sworn states that he is stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 12th day of October, 1906.

[signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 9th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Fields, C. F. N. 771.

APPEARANCES:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants.

E. E. FRAZIER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A E. E. Frazier.
Q Where do you live? A Here in town.
Q What is your age? A 58.
Q How long have you lived in and around Vinita? A Since '77.
Q Are you acquainted with a colored man named Jackson Fields? A Yes sir.
Q How long have you known him? A Since '81 or '2.
Q Where did you first see Jackson Fields? A Here in the town of Vinita
Q Did you have any conversation with him at that time? A Yes sir.
Q Please state the circumstances under which it arose? A Well I was in town with my wagon and was going out and he came to me and wanted to know if I was going out in the direction of Joe Lynch's and I told him that I was going to my farm which was in that direction, he asked me what would be the chance to ride as far as I went, and I told him he could ride and he rode with me six and a half miles to my home.
Q Had he been living in that part of the country before that time? A I asked him where he came from and he said Fort Scott; I asked him if he was just moving into the country and he was, that he only knew his brother in law, Joe Buzzard or Lynch, and he said " I have just come in here and I am going to stay now and make my home here "
Q That was in 81 or 2? A Yes sir, I think in '82.
Q Have you seen him since? A Yes sir.
Q Do you know where he located? A Yes sir.
Q Where, with reference to your home place? A Eight miles southeast of where I live.
Q Has he been living there since the time you first saw him? A Yes sir, he has worked for me since then, some.
(By Mr. Smith)
Q You dont know if the man you saw there is the same one who has applied here for enrollment do you? A I know that is his name.
Q You are talking of a Jackson Fields you met in '82? A Yes sir.
Q You dont know if this is the same man who has applied in this case or not? A I know that that is his name, he has a brother named Calvin Fields; I know about all that live out in there.
Q There might be some other people around there that you dont know by that name? A But if they live in around there.
Q Do you know every darky in Delaware district? A Every one that has been living there as long as he has, up around there.
Q You dont know where he was before the war? A He said he lived in Kansas during the war.
Q Do you know if he was in the Cherokee Nation immediately after the war? A No sir, only that he told me that he had not lived there since the war.
Q Was he by himself? A Yes sir, said he was just moving in.
Q Did you be speaking if he was by himself? A He said he had his folks in Kansas and that they were coming later.
(By Davenport)
Q You said he had a brother named Calvin? A Yes sir.
Q Have you seen him since that time? No sir.
Q Have you seen Jackson Fields this morning? A No sir.
Q You have no reason to think Jackson Fields is in that locality?
A That is all.

Q He is some relation to Joe Bernard or Lonoff A Yes sir, he was my.

* * * * * * * * * * * *

This testimony will also be filed in the case of Calvin Rose, U. S. No.777.

**

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas von Weise

Subscribed and sworn to before me this the 9th of October, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith. Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206, filed in the Mariah Hayden case D D 488, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jackson Fields, D 771;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, nor that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is immaterial, irrelevant and incompetent, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who shall apply for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called for and used in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases named and if the consideration of these cases be within the provisions of the temporary injunction recently granted by Judge Wilson of the United States Court, of the Northern District, holding Territory.

By Adams:

Comes now applicant and moves that he be the above named cases indicating the Mariah Hayden case will stand for the application to all and certain Cherry Cases in full and of the proof in any of the present cases that the facts stated relating to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. T. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) T. C. Foster,
(SEAL) Notary Public.

I, E. C. Farwell, a stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

(Signed) E. C. Farwell

Subscribed and sworn to before me this July 30, 1902.

[illegible]
Notary Public.

Cherokee Freedman R 466 (3771)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Fields, et al., as Cherokee Freedmen.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That on June 19, 1901, Jackson Fields appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of himself and minor children, James, Elias J., Hester, Sidney, Alexander, William McK., Wesley and Ora M. Fields, as Cherokee Freedmen. Further proceedings in the matter of said application were had on October 7, 1901, at Vinita, Indian Territory.

The record further shows that on July 29, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicants the right to enrollment as Cherokee Freedmen, and that on August 26, 1904, (I.T.D. 6576-64), said decision was affirmed by the Department; that thereafter, on August 16, 1906 (I.T.D. 163, 5764-06), on motion of the applicants, this case was reopened, its said decision of August 26, 1904, was rescinded, and the record in said case returned for further testimony; and that further testimony in the matter of said application was taken on September 14, 1906, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Jackson Fields, claims the right to enrollment as a Cherokee Freedman by virtue of his compliance with the treaty stipulations of 1866, and that the minor applicants claim the same right as descendants of the said Jackson Fields.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That said Jackson Fields was the slave of a Cherokee citizen at the commencement of, and was taken from the Cherokee Nation to Kansas during the rebellion.

(2) That the minor applicants herein are children of the said Jackson Fields, were born since 1880, and possess no rights to Cherokee freedman citizenship other than as descendants of their said father.

Excepting the Wallace and Wern-Clifton rolls, none of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on any roll of the Cherokee Nation in the possession of this office.

In view of the foregoing it is considered that the primary question to be determined in this case is:

> Did Jackson Fields return to the Cherokee Nation, after the rebellion, and establish his residence in said Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1886, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation?

JONAS RAGSDALE, in behalf of applicants, testifies: that during the fall of 1866, while on his way to Old Parker, Kansas, where he at that time did his trading, he met one Moses Carter, since deceased, and the principal applicant herein, on their way to Goose-neck Bend, Goweeseeowee District, Cherokee Nation.

ROBERT FOSTER, ARTHUR BEAN and JOE LYNCH, in behalf of applicants, testify: That in the fall of 1866 the principal applicant herein was living on Grand River, Cherokee Nation, with his brother-in-law, the said Joe Lynch.

In behalf of the Cherokee Nation it is shown that the trading point known as Old Parker was not started till subsequent to the year 1867.

In Cherokee Freedman D 576, it was found by the Commission to the Five Civilized Tribes that, after ample opportunity having been afforded, the said Joe Lynch was unable to show that he had returned from Kansas to the Cherokee Nation after the rebellion, within the time specified in the said Whitmire decree, and in its decision rendered on June 16, 1909, the said Joe Lynch was denied the right to enrollment as a Cherokee Freedman and the proceedings in said case duly forwarded to the Department, where they are now pending.

In Cherokee Freedman D 882, it was found by the Commission to the Five Civilized Tribes that the said Robert Foster

was not the slave of a Cherokee citizen, nor a free colored person residing in the Cherokee country at the commencement of the rebellion, and in its decision rendered on June 16, 1905, his application for enrollment as a Cherokee freedman was denied, the proceedings in said case being duly forwarded to the Department, where they are now pending.

In Cherokee Freedman D 676, the Commission to the Five Civilized Tribes found that one John Carter, son of the said Mose Carter, deceased, and who, the evidence shows, returned to the Cherokee Nation after the rebellion, with his father, did not return to said Nation within the time specified in the Whitmire decree, its said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on October 15, 1904 (I.T.D. 5548-04).

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant, Jackson Fields, did not return to the Cherokee Nation, after the rebellion, and establish a residence therein, within the time specified in the Whitmire decree, supra.; and that the minor applicants herein possess no rights to Cherokee freedman citizenship other than as descendants of the said Jackson Fields.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, for the additional reasons set out herein, its decision rendered by the Commission to the Five Civilized Tribes on July 29, 1904, should be affirmed, and that, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Fields, James Fields, Eliza J. Fields, Hester Fields, Sialey Fields, Alexander Fields, William McK. Fields, Wesley Fields, and Oby M. Fields, are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.

James Fleming
Commissioner

Dated at Muskogee, Indian Territory,

this [illegible]

Copy

DEPARTMENT OF THE INTERIOR, (CHEROKEE DIVISION)

BEFORE THE SECRETARY OF THE INTERIOR, WASHINGTON, D.C.

IN THE MATTER OF THE APPLICATION OF JACKSON FIELDS FOR ENROLLMENT OF HIMSELF AND EIGHT CHILDREN AS CHEROKEE FREEDMEN:
(BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES).

APPLICATION OF JACKSON FIELDS FOR A REOPENING OF HIS CASE AS ABOVE ENTITLED.

APPLICANT JACKSON FIELDS ON BEHALF OF HIMSELF AND EIGHT CHILDREN JAMES, ELIZA J., HERTER, SIDLEY, ALEXANDER, WILLIAM McK., WESLEY AND ORY M., FIELDS, PRAYS THAT THE SAID CASE AS ABOVE ENTITLED BE REOPENED AND THAT HE BE GIVEN A RENEWING OF THE SAME BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES OR THE SECRETARY OF THE INTERIOR, AS IS THE PRACTICE, ON THE GROUND OF NEWLY DISCOVERED EVIDENCE—WHICH IS MATERIAL AND IMPORTANT IN THE DETERMINING OF HIS RIGHTS AND THE RIGHTS OF HIS SAID CHILDREN, AND WHICH APPLICATION HE SUPPORTS BY THE ATTACHED AFFIDAVIT—TO-WIT:

INDIAN TERRITORY,
NORTHERN DISTRICT——SS:

Before me Nora R. Haines a Notary Public in and for the Northern District of the Indian Territory, personally appeared Jackson Fields, the applicant in the foregoing and accompanying petition, who, after being first duly and legally sworn upon his oath , deposes and says:

I am the petitioner in the foregoing entitled petition to the Secretary of the Interior. I am 49 years of agey and my full name is Jackson Fields. That I have discovered new and important evidence bearing upon my right as a Cherokee Freedman citizen, as well as the rights of my children, since the hearing of the said case before the Commission to the Five Civilized Tribes, at Muskogee I.T., and other places in the Indian Territory, if there was any such testimony taken at other places. That this testimony is material and relevant to the question as to my rights as a Cherokee Freedman citizen, and that it was impossible for me to produce the same at the time of the first hearing of my said case because I did not know of its existence. I did not have any means of knowing of its existence and could not for that reason obtain any information thereof.

That at the time of the first hearing of the said case the Commissioner in charge of the taking of testimony informed me that there was no need of me looking for further evidence——and that I did not learn of its existence until after the closing of the said hearing and the removal of the office and the apparent closing of the case. That it was no fault nor was it due to any negligence on my part that this testimony was not produced at that hearing of the case. That I was about 16 or 18 years of age at the time I came back to the Territory and that I had just been freed from slavery, and was an orphan, and had to look out for myself, and support myself by labor and was too ignorant to know what my full rights were. I remained in a state of ignorance and was at the time of making my application for enrollment ignorant and without any knowledge as to what my rights were and did not have any means of looking up evidence that others more enlightened would have possessed. That I used all the diligence that my feeble and my poor condition could permit me to use, and rested in the belief that I had presented all the testimony that I needed in establishing my claim. That I never knew what the testimony of the witnesses who testified against me in the case, until some time in September, 1906; that I was not present when they testified and had no means of knowing what their testimony was. That since I have learned what they testified to I have hunted among those who were said to have the facts in the matter——and have found four credible persons who will testify as to the time when I came back to the Territory after the war and as to what I have done since and where I have resided and worked since that time. That the names of these witnesses are as follows:

Jonas Ragsdale, Robert Foster, Joe Lynch and Arthur Bean. That each of said witnesses will swear as follows-

Robert Foster will swear that he saw Jackson Fields at Joe Lynch's place in the fall of 1866, on Grand River, in the Cherokee Nation, in the Indian Territory---and that he lived with Joe Lynch all the following winter- that witness became well acquainted with him --and saw him frequently in that neighborhood after that --and that after he got married witness knew that he had lived continuously in the Cherokee Nation.

Jonas Ragsdale will swear that he saw Jackson Fieldsin the fall of 1866, and saw him first at Parkers Store, on Sesse Neck Bend, on Verdigris River, just after his return from Kansas--that he knew both his (Fields') parents before the war--and that he afterward saw him on Grand River--and that he is positive that it was in the fall of 1866 when he saw him with a certain Mose Carter--and that he cannot be mistaken as to the time.

Joe Lynch will swear that Jackson Fields lived at his house on Grand River, in the Cherokee Nation during the fall of 1866 and during the winter following--up till summer time again, and that he was there off and on after thattime until he married, when he has liven continuously ever since.

Arthur Bean will swear that said Jackson Fields lived on Grand River, in the Cherokee Nation during the fall and winter of 1866, and that he saw him there and knew that it was him, and that he lived there and staid there until the following spring and that he was there off and on after that for years until he married when he has been continuously in the Cherokee Nation.

All of which statements are true and all of which affiant could have proven by these witnesses had he been able to find that they knew these facts. That affiant did not remember as to the names of all the persons whom he met in the fall of 1866 as he was of tender years and little knowledged---butthat these witnesses are all entitled to credit and are worthy of belief.

Therefore he asks that his case be reopened and that the testimony of these said witnesses be received and that he be granted the privilege of filing herewith sworn statements of the said persons--and that they be received and considered by your Department.

He does herewith filed affidavits of the foregoing named witnesses and they are made a part of his application, and he asks for judgment as prayed herein---and desires that these witnesses be allowed to testify in his case. I appoint Charles F. Meers and S.S. Clever as my attorneys.

Witness the hand of the said affiant this 23rd day of November 1904,

Jackson Fields

Post Office Vinita I.T.

Subscribed and sworn to before me this 23d day of November, 1904.

Henry R. Hanna

Notary Public.

My commission expires Feb 11th 1907.

Jan 21 1907

NOTE PLEASE-THE OFFICE IS PERMANENTLY ESTABLISHED.

Chas F. Meers

Attorney for Claimant.

Post Office, Vinita, I.T.

1866 at Parkers store with Moe Carter
and I cannot be mistaken

Since the time he was on Grand River
I have often seen him in the Cherokee
Nation but after he got married he
has always lived here in the Cherokee
Nation Indian territory

(Signed) James H. Rowdale
Witness

Witness
J W Ratcliff
Joe R McGeorge

Subscribed and sworn to before me
on this 27th day of September 1907 A.D.

J W Ratcliff
Notary Public.

My Commission Expires April 14. 1909

Copy

United States of America
Northern Judicial District } ss
Indian Territory

Before me J. W. Ratcliff a Notary Public in and for said District and Territory came Jonas Rogers of lawful age, who being duly sworn deposes and says. That I am 67 years of age and I am enrolled on the Cherokee Authenticated Roll of 1880, and upon all other rolls.

I was born in the Cherokee Nation and served in the United States Army during the war and I came back to my home in the Cherokee Nation in the spring of 1866 and from that time to this I have lived in said Nation.

We only had two trading posts. Hilton and Old Parker's store on Grand River, both in the Cherokee Nation, Indian Territory.

Nick Sevens trading at Old Parker's store in the fall of 1866. Moses Baxter came in from Kansas in a waggon with his family and also had this boy Jackson Fields with him. He was not over 12 years old. I knew both his father and mother before the war and I knew him when he was a little kid and I saw him grow up.

When I first came home it was on Grand River Cherokee Nation Indian Territory about 7 or 8 years afterwards. I do not know where he was living during the War Time.

I am familiar of seeing him in the field

Copy

United States of America
Northern Judicial District
Indian Territory } ss.

Before me J. W. Ratcliff, a Notary Public in and for said District and Territory came Robert Foster of lawful age who being duly sworn deposes and says that I am over 55 years of age and I was the slave of Elizabeth Foster, a Cherokee Citizen by blood. I first became acquainted with Jack or Jackson Fields in the fall of 1866, on Illinois River, at the Hendricks place in the Cherokee Nation. He was living with one Lynch. He was a boy about 10 or 12 years old. I do not know who he came with to the Cherokee Nation. We were soon acquainted for we were both boys. He stayed all that winter and after new year was there off and on. Sophia Lynch, the wife of Rob Lynch was his sister and he lived with them.

I am positive that Jackson Fields was living at the Lynch's from the fall of 1866 till the spring of 67. I lived in the same neighborhood, and often after that time I would see him there off and on but after he got married he has continuously lived in the Cherokee Nation. Jackson Fields was for some time employed by Robert Foster.

Subscribed and sworn to before me on this 9th day of September 1896.

J. W. Ratcliff
Notary Public

(Seal)

My Commission Expires April 10 1898

Exp/44

United States of America
Northern Judicial District } ss:
Indian Territory }

Before me J. W. Ratcliff Notary Public in and for said District and Territory came Joe Lynch of lawful age who being duly sworn, on his oath, does depose and says. That I am 62 years of age and was a slave of Joe Lynch, a Cherokee citizen, living there. I was born in the Cherokee Nation and I went north during the war and enlisted in the United States Army and served three years and was discharged and returned to the Cherokee Nation in the fall of 1866 and have resided here ever since. I was not acquainted with the father of Jackson Fields who is an applicant for enrollment but I knew his mother Chaney Ross who was a slave of Lewis Ross, a Cherokee citizen by blood. His mother went to Kansas the same time I did and I saw her there after peace was declared and she died in Allen County, Kansas.

Our masters and mistresses were acquainted and we slaves knew each other well.

Jackson Fields was about ... or 12 years old when he returned to the Cherokee Nation in the ... He might have been in the earlier part of the month. He came to my house and farm in Delaware District, Cherokee Nation, Indian Territory. His mother Sophia Fields was my wife and he lived with me all summer and then went away and I never heard of him again. He could remember me if he saw me or heard of him. He would know me and was available was then or among and around Lynch, Texas. He left the place during the war.

Copy

United States of America,
Northern Judicial District } ss.
Indian Territory }

Before me J. W. Ratcliff a Notary Public in and for said District and Territory came Arthur Dean of lawful age who being duly sworn, deposes and says That I am 61 years of age and am a Cherokee freedman and was born in the Cherokee Nation, and went to Kansas and was taken there by orders of the United States Army, and after the war came back to the Cherokee Nation in the latter part of September and first of October 1866 and was in the "Horse Creek fight" with my brothers George, Tobe, Joe and other persons and have resided here ever since in the Cherokee Nation ever since I served well acquainted with Andy Fields and he was a slave of George Fields a Cherokee citizen and with Cheney Ross a slave of Lewis Ross a Cherokee citizen.

Andy Fields and his wife Cheney Fields née Ross were the father and mother of Jackson Fields.

Andy Fields was taken south by his owner and Cheney Fields née Ross was taken by the United States Army to Kansas and she died in Kansas that I was not there with her.

I know Jackson Fields before the war and after the war, he became 18 years old the first day of January 1865 and died at the house of Joe Leonard his brother in law in the Cherokee Nation Indian Territory one of the good citizen positions.

He stayed there that winter and then went off and came back and I do not know where he had been for he was only a boy about 10 or 12 years old and had no one to look after him and he was like all other boys who had no mother to keep him right but after he got married he has been living in the Cherokee Nation continuously ever since.

I am certain he was in the Cherokee Nation in January, February and March 1887 for I have seen him frequently.

I am likewise acquainted with his sister Joe Lynches wife and in fact was well acquainted with all of Jackson Fields' brothers and sisters.

Witness to Mark
{W Ratcliff
C.A. Smith}

Arthur his mark Bean

Subscribed to and sworn before me this 31st day of December A.D. 1904.

J.H. Ratcliff
Notary Public

Seal

My Com exp 4 4 08.

Indian Field

No. 1944

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 1 5 1901, 1901

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me, on this day of A. D. 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of Jackson Fields for enrollment as a Cherokee citizen:

Case No. D 771

To ~~Jackson Fields or Mollette & Smith~~ his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on ~~Oct.~~ ~~7th~~ at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

E.B. Frazier -

Knows Jackson Fields got off the train in 1880 or 1881 & said he came from Ft Scott, said he had never lived here prior to that time - He said he had a brother named Calvin who is on D Card 777 - Jackson inquired of him about the country & took him out to his place - the event on Jack Lynch's or Joe Berryhill -

1224

Rufus Brown

Knows Jackson Fields & remembers him in Iola, Kan - for a number of years -

G.W.D.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-771.

Muskogee, Indian Territory, September 7, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the applications for the enrollment of Jackson Fields and his eight minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley and Oby M. Fields, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 26, 1904.

Respectfully,

Chairman.

[illegible]

[illegible]

[illegible]

L.R.,B.I.A. [illegible] August 14, 1906.

[illegible]

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for rehearing in the Cherokee freedman case of Jackson Riddle et als.

On August 16, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes rejecting the applicants in said case.

The applicants request a rehearing, claiming that they have discovered new and material evidence and submit the affidavits of Robert Parker, Frank Hogshire, Joe Smith, and Arthur Dunn, these testimony the applicants desire to present in support of their claim that Jackson Riddle resided in the Cherokee Nation in fact.

The Department considers that the statements contained in the motion and the accompanying affidavits are sufficient to warrant a reopening of the case. Departmental decision of Aug ust 16, 1904, is hereby vacated, and you are directed to go ahead the applicants and the witnesses for the Department, and which witnesses who testify which further had begun in the [illegible] and [illegible]. The testimony submitted in support [illegible] [illegible] [illegible].

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
R 452 (D 771)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 28, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment of Jackson Fields and his minor children as Cherokee freedmen, you are advised that this office is in receipt of Departmental letter of August 18, (I.T.D. 163, 2756-1905), in which the decision of the Department of August 26, 1904, approving the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, is rescinded, and a further hearing ordered.

Jackson Fields has therefore this day been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, September 7, 1905, and introduce further testimony as to his return to the Cherokee Nation after the war of the rebellion.

The applicants in this case in support of their motion to have the case reopened, have filed affidavits signed by Robert Foster, James Ragsdale, Joe Lynch and Arthur Dean,

and the principal applicant has been requested to have these persons present and to introduce their testimony on the above date.

You are further advised that the Cherokee Nation will also be permitted to appear on said date and introduce any testimony it may desire in this case.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner

LMB
Encl. B- 50

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-452.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, holding that the decision of the Commission to the Five Civilized Tribes, dated July 29, 1904, should be affirmed, and that the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, should be denied.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Encl. 2-[illegible]

Refer in reply to the following: —Copy—

DEPARTMENT OF THE INTERIOR,

LAND. OFFICE OF INDIAN AFFAIRS,

88849-1906.

WASHINGTON.

December 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 2, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen by Jackson Fields for himself and his minor children, James, Eliza J., Hester, Sisley, Alexander, William McK., Wesley, and Oby M. Fields.

October 26, 1906, the Commissioner decided adversely to all the applicants. The record shows that on July 29, 1904, the Commission to the Five Civilized Tribes rendered a decision denying the applicants enrollment and on August 26, 1904, the Department affirmed the decision, that thereafter on August 16, 1906 (I.T.D. 163, [illegible]) the Department reversed its action and returned the record for further testimony.

The record shows that Jackson Fields was the slave of a Cherokee citizen at the beginning of the war of the Rebellion and was taken from the Cherokee Nation during the war, and did not return to the Nation and establish a residence therein on or before February 19, 1867, that the other applicants are his minor children by Hannah Fields who since 1866 and

possess no rights to Cherokee Freedmen citizenship other than as as descendants of their father.

In view of the record the approval of the Commissioner's decision of October 26, 1906 adverse to all of the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMV.

C

CRW.

DEPARTMENT OF THE INTERIOR, L.L.B.

WASHINGTON.

February 12, 1907.

D.C. 8764-1907.
I.T.D. 17674-1905.
LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 18, 1905, the Indian Office transmitted the record, together with your decision, adverse to the applicants, in the matter of the rehearing of the application for the enrollment of Jackson Fields, James Fields, Eliza J. Fields, Hester Fields, Sively Fields, Alexander Fields, William McCoy Fields, Wesley Fields, and Ory M. Fields as Cherokee freedmen, in which decision the Indian Office concurs. A copy of its letter is inclosed.

The Department also concurs, and the application is denied.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.
6 Enc. to Ind. Off.

[illegible]
[illegible]

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 452

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Your are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 26, 1905, rejecting the application for the enrollment of Jackson Fields, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 12, 1907, and said application denied.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. E-4 1/2
JMM

Cher. Fr. D-772

Cher. Fr. D-772

DEPARTMENT OF THE INTERI OR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the applicati on of Melvina Farris for the enrollment of herself and four children as Cherokee Freedmen; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is y our name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I i s .
Q Well, about how old? A I guess I am about 46 or7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee District.
Q Do you apply t be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Farris.
Q Is your name on the roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name? A Sophi a Ross.
Q Is your father living? A Yes, sir.
Q Is your your mother living? A No, sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the eldest? A Selemon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q Now, give me the names of the children that are under 21 and not marrie d? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy, 10.
Q Next one? A Luther, seven; Watt is four.
Q Is that all? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is on the grou nd here.
Q You don't apply for him? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Were you ever married before? A No, si r.
Q Your maiden name was Ross? A Frye, my mother never was enrolled; my father was enrolled.
Q Did you draw what is known as strip money? A No, sir, my name was displaced.
Q Did you ever draw any money? A Yes, sir, drawed on the Vallace roll.
Q Did you dr aw for any of these children? Drawed for the three oldest one.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls of Freedmen of the Cherokee Nati on examined and names of applicants not found thereon.

The Vallace Roll of Freedmen of the Cherokee Nati on examined and name of applicant fo ed thereon, page 108, #1260, Vinny Ross, no district given.

Q You never draw for these younger children did you?
(No response.)
Q Have you any witnesses here? A Yes, sir.
Q Who are they? A Jim Alberty and Allen Brown.
Q Where were you born? A I was born in the Territory.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Been on the roll of 1880? A Yes, si r.

Q What was your mother's name? A Sophia Ross.
Q Is her name on the roll of 1880? A No, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Susie Ross and ~~[illegible]~~ Oliver Ross.
Q Is she living? A No, sir, she is dead.
Q Was Susan Ross and Oliver Ross Cherokee citizens? A Yes, sir.
Q You were a born slave yourself? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Up North.
Q Your mother with you? A Yes, sir.
Q ~~What part of the North? A Kansas.~~
Q Well, when did you return from Kansas? A In '66.
Q Who did you return with? A Uncle Jess Brown brought me down.
Q How long did you mother live after that? A I don't know exactly how long she lived.
Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
Q Is he living? A No, sir, he is dead.
Q Was your mother dead before 188(, 20 years ago?
A She died right away after the war.
Q Who raised you yourself? A I stayed around with my brothers.
Q Who were your brothers? A George Ross and Jonas Ragsdale.
Q Are they living? A Yes, sir.
Q Are their names on the roll of 1880? A Yes, sir.
Q Why isn't your name there? A I don't know.
Q Your brother you say was Jonas Ragsdale? A Yes, sir.
Q And who else? A George Ross.
Q Are they older or younger than you? A They are younger.
Q You have always lived in the Cherokee Nation? A Yes, sir.
Q How many times have you been married? A Once.
Q To William Farris, is he living? A Yes, sir.
Q Is he the father of all these children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Is your husband a citizen? A Adopted citizen.
Q He is known as a State man? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Where did Jess Brown live when you came down A I don't know, sir. I was too small to remember it, I know Uncle Jess brought me down.
Q Was uncle Jess living down in this country? A I don't know sir where he was living.
Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A I always knew I was brought down in '66 because I just lived around with my brothers, because I had no mother.
Q Well, where did you live when you first came down here?
A I lived with my brother Jonas on Pryor Creek.
Q Well, where did you first see Jim Liberty? A I don't know, sir, somewhere 'bout first I ever saw him.
Q You don't remember that? A No, sir.
Q Well, did you stay with Jess Brown a while after you came down here? A Yes, sir.
Q Well, you don't remember what part of the Cherokee Nation he was living in? A No, sir.
Q About how many years after the war did your mother live?
A I don't know, too young, I was quite small when my mother died.
Q Did she die in the Nation? A No, sir, she died in the Nation.
Q And Jess Brown went up and brought you down? A Yes, sir.
Q Did the rest of Jess Brown's family come with you?
A I don't know whether it was his family or not.
Q Do you remember what other people came with him? A No, sir.

Q Is any of Jess Brown's folks living? A I don't know, sir, whether there i s or not.
Q Well, you were about ten years old then wasn't you?
A Probably I was, I don't recollect anything about slavery.
Q I mean when you come down here? A Probably I was about that old, I don't know.
Q Well, who did you go to living with first when you come down here?
A My brother Jonas.
Q Did you go to keeping house? A No, sir, he was married.
Q He was living down here when Jess brought you down?
A Yes, sir.
Q Jess brought you down and you found out where your brother was living? A I stayed with uncle Jess and when I found out where my brother Jonas was I went to him.
Q You didn't come back with your brother? A My brother was already here.
Q Well, you don't know about how long you stayed with yx Jess Brown?
A No, sir, I don'r.
Q Do you think you stayed as much as a year? A I don't know whether it was or not.
Q Do you remember what time of the year it was Jess brought you down? A No, sir.
Q Don't know whether it was spring, summer or fall? A No, sir.
Q Do you know what time of the year it was you went to live with your brother Jonas? A Yes, sir, it was in the fall when I went to live with him.
Q You don't know how long you had been at Jess Brown's then?
A N o, sir.
Q Jonas was living on Pryor creek yo u say? A Yes, sir.
Q He was married then? A Yes, sir.
Q Did he have any children at that time? A He had two.
Q What were their names? A Sophia an d one was named Vinsy.
Q That was when you went there? A Yes, sir.
Q How much older was your brother than you? A I don't know how much older or younger then I was.
Q He was grown when the war broke out? A Yes, sir.
Q Was Jonas married when the war broke out?
A No, sir.
Q Do you know where he was married? A No, sir.
Q Did he marry after he come back here? A He must.
Q He had two children when you went down there? A Yes, sir.

CROSS EXAM'N BY COM'R MARBLES:

Q Was Andy Frye your father? A My natural father, my stepmother is here on the ground now.
Q Sophia Ross was your mother? A Yes, sir.
Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.
Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumpti on.
Q Your mother was a slave? A Yes, sir.
Q And belonged to? A O liver Ross.
BY MR. HARTSHORN: You were a slave yourself A Yes sir, but I was small.

JIM ALBERTY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jim Alberty.
Q How old are you, Jim? A 70 years old.
Q What is your post office? A Checotah.
Q You claim to be a Choctaw freedman? A Yes, sir.

Melvina Ferrier, of Sheek.

Q. Do you know the applicant here, Melvina Ferrier(Mrs respondent)?
Q. Do you know her by the name of Melvina Rose? A. Yes, sir.
Q. How long have you known her? A. Well, I don't know; I have known her pretty near all her life.
Q. Was she ever married? A. When I saw her last she wasn't married.
Q. What was her father's name? A. Andy Rose.
Q. What was her mother's name? A. I forget her mother's name.
Q. Well do you know whether Melvina was a slave? A. Yes, sir, I think she was. I don't know whether she was born a slave or not; I know her mother was.
Q. Sophia Rose? A. Yes, sir; that is the name.
Q. To whom did Sophia belong? A. Oliver Rose.
Q. Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A. No, sir, I don't know.
Q. When was the first time you saw Vinny Rose after the war?
A. This girl?
Q. Yes. A. When Jesse Brown came back from Kansas in '66, he brought her back I saw her there in that year.
Q. At Jesse Brown's house? A. Yes, sir.

BY MR. HASTINGS:

Q. Where was Jesse Brown living? A. He was living at my house at that time when he first came back here, down on the river.
Q. Down on Grand river? A. Yes, sir.
Q. Did Jesse Brown have a family? A. Yes, sir, he had a wife and no children.
Q. How long did this girl stay down there? A. I don't know; when he left there and went away with her I never saw her any more.
Q. He took her away with him? A. Yes, sir, took her up here to where he lived; he built out there on Stockbridge head.
Q. And he went up there did he? A. Yes, sir.
Q. How long did he stay down at your house? A. He stayed there near a month.
Q. You never saw this girl before the war yourself?
A. No, sir, not to know her.
Q. That was the first time you had ever seen her?
A. Yes, sir; that is, to know her.
Q. Did Jesse Brown had any children of that wench? A. [illegible]
Q. Yes. A. After he left there?
Q. Didn't have any then? A. No, sir, not one that other.
Q. Did didn't have any at that time? A. No, sir.
Q. Well, when did you ever see this woman again? A. I never saw her any more for several years after he moved up here to Sequoyah.
Q. Was she living there then with Jesse Brown? A. Yes, sir, Jesse had her then.
Q. Four or five years afterwards? A. Yes, sir.
Q. Did have an [illegible]? A. Yes, sir, she had quite [illegible] then.
Q. [illegible] Jesse Brown went from your place? A. [illegible]
[illegible] Sequoyah [illegible] that is where he went to.
Q. Don't know where he lived? A. He built [illegible]
[illegible] I saw at his house or there.
Q. [illegible] [illegible]
[illegible]

Q You are not on the 1880 roll yourself? A No, sir.
Q Your cit izenship is contested? A I don't know about that.
Q You are on a doubtful card? A Yes, sir, of course I know that.
Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, when did you next see her?
A Right here.
Q And this is the third time you have seen her since the war?
A Yes, sir.
Q And you remember now Jess Brown coming to your house 35 years ago? A Yes, si r.
Q Was her mother with her then? A No, sir.
Q Wasn't anybody but Jess Brown and his wife and t his girl?
A That is all I noticed.
Q What was Jess Brown's wife's name? A I don't know; don't recollect now, I knowed.
Q How old was this girl when she came to your house there?
A I don't know, right smart strip of a girl.
About what age would she be the first time you saw her?
A About eight or ten years old.
Q Did she have a brother or sister with her? A No, sir.
Q You know that she was living up there four or five years afterwards with Jess Brown on Gooseneck bend? A Yes, sir.
Q How far did you li ve from Jonas Ragsdale on Pryor Creek?
A I don't know how far it was.
Q About how far? A Jonas lived pretty well.
Q Were you ever at his house? A No, sir.
Q Do you know when he married? A No, sir, I don't know.

BY COM'R MEADLES:

Q Did you know this girl's mother? A Yes, sir, I knowed her.
Q Who did she live with? A Oliver Ross.
Q Was she ever married? A I don't know whether she was married or not.
Q Well, did she ever live with a man as his wife? A She had children, I don't know whether she had married or not.
Q Did you know Andrew Frye? A Yes, sir.
Q Well, did Andrew Frye and Sophia, the girl's mother, li ve together? A I don't know.
Q How old are you Jim, 70? A 70.
Q You have been in this country a good while? A Yes, sir.
Q You have been in this country almost all your life?
A Yes, sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Beedles, testifi ed as follows:

Q What is your name? A Allen Lynch.
Q How old are you, Mr. Lynch? A 61 years o ld.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Vinny Farris? A Yes, sir, I know her.
Q What was her mother's name? A Sophia Ross.
Q Do you know her father? A Yes, sir.
Q What is his name? A Andy Frye or Andy Clark used to be.
Q Did they live together as man and wife? A I don't know whether they did or not, no, sir.
Q Well, now, who did Sophia Ross, this girl's mother, belong to? A She belonged to Oliver Ross.
Q Melvina belonged to Oliver also did she? A Yes, sir.
Q Well, was Sophia Ross and Melvina taken out of the Nation during the war between the North and South?
A Yes, sir.
Q Where did A go to? A
Q Did they return? A I don't know much

Q When was the first time you saw Viney here after the war?
A The first time I seen her was the time of the Wallace roll.
Q That was several years afterwards? A Yes, sir.
Q You don't know anything about when she returned and when Sophia, her mother, returned? A No, sir.
Q You saw her during the Wallace Court? A Yes, sir.
Q You know her since e that? A Yes, sir.

BY MR. HASTINGS:

Q Did you see her mother then? A No, sir.
Q Did she say where her mother was at that time? A Seems to me she said her mother was dead.
Q You don't know when she come back? A No, sir.
Q Where did Oliver Ross live? A Well he lived right down on the low edge of what we call the Marrum prairie, right down below the Orphan Asylum, below Locust Gro ve.
Q Where did Amy Frye live? A He lived right up on the branch about three quarters of a mile from where Ross lives now.

BY COM'R NEEDLES:

Q Was Oliver Ross a Cherokee? A Yes, sir.
Q Cherokee Indi n? A Yes, sir.

MELVINA FARRIS, the applicant, recalled: BY MR. HASTINGS:

Q When was the first time ye u saw your stepmother? A When I w went North.
Q I mean after you come back here? A I saw her when I was about, good sized girl.
Q Well, how long after the war, as much as ten years? A Yes, sir.
Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.

BY COM'R NEEDLES:

Q You say that you never drew any money for any of them younger children? A No, sir.

COM'R NEEDLES: Melvina Farris applies for the enrollment of herself and five children, to-wit: Elijah, Hatti e, Lula, Lorey, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is dr ly i en t ified upon the Wallace roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris; that none of the children for whom she applies on. William Farris is what is known as a freedman and not a Cherokee freedman in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Farris and her six children as enumerated herein will be ll ced for enrollment as Cherokee freedmen upon a dmb fil card pending further consideration of the question as. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said six children, their name, and being found upon one of the rolls.

[illegible] to the above [illegible]

Melvina Farris, et al.--7.

MILLIE FRYE , being duly sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Millie Frye.
Q How old are you? A I am 68.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
Q Do you know Viney Farris who has just applied to be enrolled?
A Yes, sir.
Q Did you know her mother? A Yes, sir.
Q Who was her mother? A Sophia Ross.
Q Was Sophia Ross and Melvina, were they slaves? A Yes, sir.
Q To whom did they belong? A Oliver Ross.
Q Was he a Cherokee citizen? A Yes, sir.
Q How long have you known Melvina? A I have known her ever since she was a baby.
Q You knew her mother, Sophia? A Yes, sir.
Q Was Sophia taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A To Kansas.
Q When did they return? A I can't tell you.
Q When did you first see Melvina after the war?
A I don't remember just when it was.
Q Well, about how many years afterwards? A I don't know, 18 or 20 years.
Q You never saw her, Millie, after the war? A She lived with me while we were in Kansas.
Q Did she come back with Andy Frye? A No, sir.
Q Andy came first did he? A Yes, sir, he left her with her mother.
Q You don't know when she and her come & came? A No, sir.
Q Andy is her father? A Yes, sir.
Q You married Andy afterwards? A Yes, sir.
Q Did Andy and Sophia live together as man and wife?
A Yes, sir and Oliver Ross lived out on the Verdigris and that separated them and he after he moved on there a while we and Andy was married.
Q Is Andy Frye living? A Yes, sir .
Q You say his name is on the roll of 1880? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 250, #1074, Andrew Frye, Delaware District.

SUPPLEMENTAL TESTIMONY: The testimony of Millie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 on per page and number of the roll as indicated in the testimony.

J. G. Bowen, being first duly sworn, states that he is the reporter to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 28 day of May, 1908.

[signature]

Supl.-C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MELVINA FARIS as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Comes now the Agent for the applicant and objects to any testimony tending to disprove the citizenship of this applicant for the reason that she is a descendant of a person whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims, No. 17,209, of date February 3, 1896, under which this Commission is making the roll of Cherokee freedmen, strictly prohibits introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880; that this applicant during the war and after the close of the war was a minor and if she was entitled to take at all it was through her parents, one of whose names appear upon the authenticated roll of 1880.

Commission: The objection will be noted and the testimony heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Haywood Rowe.
Q Do you know Melvina Faris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston Rober's, her brother-in-law's.
Q About how old was she? A She was the mother of two children then.
Q Who she grew? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humbolt, or at Humbolt I don't know which.
Q Did you ever see her after that time? A Few years after that time she came down to see her sister here.
Q Where was she living at that time? A She was living at the same place.
Q Well, do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly. She is living up there near Coffeyville.
Q Is she Cherokee Indian? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with her up to the time she moved to the Cherokee Nation, she ever went back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q Was they married when she moved into the Cherokee Nation?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.
Q And you say she was a sister-in-law of Houston Rogers?
A Yes, sir.
Q They are living up there now about Gooseneck bend?
A Yes, sir.
Q About how long have they been living up there in the Cherokee Nation about Gooseneck bend? A About 18 years, just about that.
Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.
Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.
Q Had you ever seen her prior to that in your life? A No, sir.

MR. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.
Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.
Q How do you know? A She said she was not married.
Q How come she to tell you that? A I saw her there and she said she was not.
Q Well, now, from 1866 until 1877, do you know where Melvina Paris lived? A Only what she told me.
Q What did she tell you? A She said she lived up in Kansas.
Q You say she was grown in 25 or 6 years ago? A She had two children.
Q Well, was she grown? A I don't know whether she was or not.
Q You have stated she was, I want to know whether that is true or not? A Yes, sir.
Q What is Melvina Paris' father's name? A I don't know her father.
Q What is her mother's name? A Sophia.
Q Did you know Sophia at the time the war broke out?
A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.
Q What did she tell you? A She said she went back to Kansas.
Q What did she say about her father? A She said Andy Frye was her father.
Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.
Q When did she move in there? A About 18 or 20 years ago.
Q How long did it from the time you saw her until you say she moved to the Cherokee Nation? A It must have been about four or five years.
Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.
Q Where were you living at that time? A I was working for Clem Rogers.
Q How far is that from the place that Melvina Paris lived at that time? A I don't know I never was up about [illegible].
Q You say she moved from here four or five years after you saw her at Houston Rogers' and you attempt to state that place was about [illegible] I want to know how far it is from the place where you saw her [illegible] to the place where you [illegible] About [illegible] or 20 miles from Clem Rogers' to [illegible].

Q How do you know that when she moved on that place that was the first time she moved to the Cherokee nation? A Her and her husband said so.
Q That is the only way you know it? A That is what they say.
Q You don't know where she lived prior to 24 or 25 years age?
A No, sir, only what she said, she said her mother was up there and died and she come down here hunting her people.
Q Did you know Jess Brown during his lifetime? A No, sir.
Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.
Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.
Q You have never testified in this case before have you?
A Never did.
Q You were living in this country when the Wallace roll was made?
A Yes, sir.
Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.
Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.
Q That is the first time you have told anyone what you claimed to know about these people? A No.
Q When was it? A It might have been in the spring.
Q Along about the time the application was made? A Yes, sir.

BENJAMIN NAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

J. DAVENPORT:

Q What is your name? A Benjamin Nave.
Q Where do you live? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you know a woman by the name of Melvina Paris? A Yes, sir.
Q Do you know her husband? A Yes, sir.
Q What is his name? A William Paris.
Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.
Q About how long ago was that? A About two years ago.
Q How long have you been acquainted with Melvina Paris?
A Ever since about '80.
Q Was she married then? A No, sir.
Q Where was she living when you got acquainted with her?
A Iola, Kansas.
Q Have you known her or met her often since that time? A Yes, sir; lived right by her.
Q How many have you lived by her since that time? A About three miles.
Q Where was the living when you lived that near to her? A On the Verdigris River.
Q In that county where they call Chanute now? A Yes, sir.
Q About when did she come to where you lived on the Verdigris River? A About a year before the Kern-Clifton report.
Q About how long before that you first got acquainted with her?
A Iola, Kansas.
Q When she moved to the Cherokee Nation did she live at any other place than Iola? A No, she lived in Coffeyville.

Q Was she married when she lived in Coffeyville? A Yes, sir.
Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.
Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville?
A Yes. A It was about a year before the Kern-Clifton payment.
Q Did you ever know Jess Brown's family? A Yes, sir.
Q Where did they live? A Lived just across the river from where she lived.
Q Are any of them living up there now? A Yes, sir; some children.
Q How far is it from where Melvina Faris lived to the place where Jess Brown's family lived A About three miles and a half.
Q Practically same neighborhood? A Yes, sir.
Q Do you know whether or not Melvina Faris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.
Q About how old was Melvina when you got acquainted with her?
A She was a grown woman.

MR. BROWN:

Q You say her mother was living at the time you got acquainted with her? A What she called mother.
Q Her name was Sophia Ross? A No, sir.
Q What was her name? A She was living with a man named Jonas Carter.
Q Now, don't you know as a matter of fact that her moher died before the war closed? A No, sir, I don't know anything about what happened before the war closed.
Q Are you prepared to state that is not a fact? A Which is not a fact?
Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.
Q How old are you? A I am 39 years old, the 40 next birthday.
Q Did you go out of the Cherokee Nation during the war?
A I don't know whether I did or not.
Q Don't know when you returned do you? A No, sir.
Q Now, have you ever lived in Kansas? A Yes, sir.
Q How long? A About 12 months.
Q Never lived any longer than that? A No, sir.
Q How long did you live in Osage? A About 12 months.
Q You swear that? A Yes, sir.
Q What were you doing up there at Iola? A Visiting.
Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Ross after a span of mules and when we got up there we stopped with Jonas Carter and this woman was there.
Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.
Q Where was your home? A Didn't have any home.
Q You are the same Benjamin Ross that gave an affidavit in the Tom Hell case before J. W. Wallace? A No, sir.
Q You swear that? A Yes, sir.
Q You know when J. W. Wallace made a roll don't you?
A Yes, sir.
Q And you never made any affidavits relative to any citizenship in the Nation or Cherokees in the year 1881? A No, sir.
Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.
Q You, you say you was born in Tahlequah? A No, sir.
Q You did say that in Coffeyville? A Yes, sir.
Q About what time of the year did you see her there?
A I could not tell you.

Q About what year was it? A It was just before the payment.
Q Which payment? A Kern-Clifton.

Q Where was she prior to the time you saw her in Iola in 1880?
A I don't know all the places I saw her.
Q Name one place? A She lived in Coffeyville.
Q Prior to 1880? A Yes, sir.
Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville Kansas when I met her there.
Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and if she lived anywhere else before that I am not prepared to tell you
Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.
Q And you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.
Q You didn't say that? A If I said I saw her in Iola in 1880.
Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880.
Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.
Q You have been a witness in a great many cases? A No, sir.
Q You have been in the employ of the Nation most of the time since April? A No, sir.
Q You have not? A No, sir.

MR. DAVENPORT:

Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.
Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton commission? A No, sir.
Q When did you come down to this enrollment? A This morning.
Q From your home in Vinita? A Yes, sir.
Q Were you subpoenaed here? A Mr. Yes, sir.

MR. BROOM:

Q This is not the first time you have been coming here?
A No, sir, I have been here ever since this here was a town.
Q I mean ever since the enrollment was here? A No, sir.
Q You have been subpoenaed here several times? A Once before.
Q You stayed several days? A Yes, sir.

ROSS CRAWFORD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Ross Crawford.
Q Where do you live? A I live at Vinita.
Q How long have you lived at Vinita? A About five or six years.
Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.
Q About how long have you lived there? A Oh, it has been eight or nine years.
Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Malinda Fisher, or Fisher? Have you ever met her in that, did you ever get acquainted with a woman by that name? A Yes, sir.
Q [illegible]
Q Mr. Crawford, have you ever been convicted of a felony?
Mr. Davenport: [illegible]

Commission: Note the objection and answer the question.
A I ain't being tried.
Mr. Davenport: Answer his question if you have been convicted of a felony.
A I don't know what you call a felony is.
MR. BROWN:
Q Have you ever served a term in the Penitentiary?
A Yes, sir.
Mr. Brown: I object to him testifying.
Q Served your time? A No, sir.
Q Were you pardoned? A Yes, sir.
Q Have you got your pardon with you? A No, sir, but I can prove it.
Q Where is it? A It is at home; I got it from Gov. Andy.
Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.
Q You pled guilty? A Yes, sir.
Q You served your time? A Yes, sir.
Mr. Brown: I object to his testifying.
MR. DAVENPORT:
Q You don't know what a felony is? A I was discharged.
Q You pled guilty to what? A Selling whisky.
Q And you served a jail sentence? A Yes, sir.
Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.
Q Have you seen her since you got acquainted with her at Iola?
A Yes, sir, I seen her there.
Q After you came here to this country? A I seen her twice in this country.
Q What name does she go by now? A Melvina Faris.
Q When was it you first got acquainted with her at Iola, Kansas?
A Along in '80.
Q Do you know whether she was living there at that time or not?
A Yes, she was living there.
Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.
Q Do you know whether she was living with any one there that she called mother? A I was not personally acquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.
Q About what size was she when you got acquainted with her?
A I would take her to be a between 17 or 18 years old.
Q That was along somewhere in 1880? A Yes, sir.
Q About grown then? A I would take her to be that.
Q Do you know where she is living now? A No, sir.
Q Do you know her husband, William Faris? A Yes, sir.
Q Is he a Minister of the Gospel? A Yes, sir, that is what he claims to be.
Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.
MR. BROWN:
Q Cruvello, where did she live prior to 1880? A Iola, Kansas.
Q Did you say you knew her prior to that time? A No, sir.
Q You said her mother's name was Sophia? A That is what we they call her.
Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her grandmother's name was Jenny Carter.
Q Where was she born? A I don't know. That is what they called her mother's name was.
Q How long did you live in the State of Kansas, Cruvello?
A I don't know, you see I have been there many times and at other

the war.
Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?
Q Prior to 1880 can you state where this applicant lived? A I know where she ~~went~~ started to go when she left there.
Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.
Q Now, when did she leave there? A I know she left there in 1880.
Q How do you fix 1880? A I was living there myself.
Q Do you know what year this is? A This is 1881, isn't it.
Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.
Q Do you know when the Kern-Clifton roll was made,? A I don't know whether I was here or not.
Q You don't know whether you were here or not when this Kern-Clifton payment was made? A Yes, sir.
Q When was that? A I don't know.
Q Do you remember when the Wallace roll was made?
A I wasn't here.
Q What year were you born? A I don't know, I was born in, somewhere-
Q In what year were you first arrested? A I don't know.
Q You have been a great many times? A No, sir.
Q You ~~x~~ were arrested one time for robery? A No, sir.
Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.
Q And you deny that you served a sentence in the penitentiary?
A No, sir.

MR. DAVENPORT:

Q You say you don't know what year this is?
A I don't pay any attention to the year; I know this is the woman though.

Commission. This testimony will be filed in and made a part of the record in the following Cherokee Freedman cases: D.-773, D.-803, D.-846, and in the case at bar.

---oooOOOooo---

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 8th, 1908.

Commissioner.

F. D-772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Melvina Ferris for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-772.

APPEARANCES:
Lewis Z. Brown for applicant.
W. H. Hastings for Cherokee Nation.

MR. BROWN: The applicant desires to be allowed fifteen days in which to secure from the warden of the state penitentiary at Leavenworth a certified copy of the record in his office showing that the witness Reese Grevens introduced on the part of the Cherokee Nation, February 24, 1902, was convicted in the state of Kansas of burglary and grand larceny.

MR. HASTINGS: The Cherokee Nation objects to this request for the reason that application was made by Melvina Ferris for herself on June 19, 1901, and that almost a year now has elapsed since she filed the original application, and that the witness Reese Grevens who testified in this case testified in February, 1902, about four months ago, and that plenty of time and opportunity has been given the applicant to get testimony; and further, that an order was made that all of these cases would be closed on May 31, 1902, which is day after tomorrow, and within the fifteen days requested by the applicant in this case; that the applicant cannot plead surprise that he pretended to know of this testimony at the time Reese Grevens took the stand, and plenty of opportunity has been given him to get it in case he deemed it necessary to get it and file it in this case.

COMMISSIONER BUCKNER: The notice with respect to these cases was not so much that they would be absolutely closed as that they would be deemed completed, and that the Commission would proceed as rapidly as possible to pass judgment; but it is not considered that the Commission took any step or intended to take any step that prevented it from securing material evidence that might be found necessary in order to arrive at a satisfactory conclusion. There is no probability that the Commission will be able to pass judgment on the cases now being completed within the next fifteen days, and special attention is now called to what is alleged in connection with this witness, and if the Commission finds that his testimony is material and that it is deemed essential to establish his credibility or otherwise, it will itself take steps to secure information to that end, and inasmuch as a doubt is now entertained in regard to the credibility of this witness the Commission will receive evidence upon that point that may be submitted before this case is finally passed upon. If either of the parties in interest desire to submit anything in that particular they are requested to do so as soon as practicable and within the fifteen days that has been suggested.

—

William G. Strickland, being first duly sworn, states that he

[redacted]

[redacted]

[redacted]

ATTORNEYS

L. M. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

...OFFICE OF...

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER. 190

Rollon Roe

Melvina Farris — Dodge City — Fola. Kansas —

R 1875 1892 moved in the

1840, Lenity Nan Perry

Married in Rides — 2 yrs more

Coney — 1898. — Dallas Tex —

Husband —

1881. Fola. Kansas —

Hoymond Rowe —

Jess Brown —

ATTORNEYS:

L. B. BELL.
W. W. HASTINGS.
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

772 Melissa Jones.

772 son of 772
803 " " "

Melissa's statement. Age about 46 or 7. Married Samuel Jones about age 9 or 10 years. Husband William Jones. She applies for Jackson and Stephen Jones husband William Jones. She does not apply for her husband. Jackson was age 1 or 2 at enrollment. The mother belonged to Rivers family in Mississippi. The mother belonged to Rivers family in Mississippi. She was born a slave. She was taken to Texas from Choctaw Nation by one of me. She came back with Jesse Rivers in 1866. She stayed awhile with her brother Jesse Nipodale and then married and lived in Fayetteville. Jesse died before the Jones was married. Stephen and Jackson were born in Fayetteville. Jesse died before Stephen and Jackson were born. Stephen and Jackson were born in Fayetteville. Jesse died before Stephen and Jackson were born. Melissa and Jones were married and had five children

QUININE
C. L. HARNAGE
DRUGGIST

Lalala I.T.
8/19 1902

I hereby acknowledge
service of attached subpoena
to appear at
Muskogee on Feby 24th 1902
at 8 a.m. — to give
evidence in contested
citizenship cases as
attorney for Choctaw Nation
May Clear

his
Signing of Stamp was Pd Power
mark

Witness Mask
John L. Pendleton

acknowledged & signed before
me this 19th day of Feby 1902

John L. Pendleton
Notary Public

My Commission expires
Oct 17 1902

Rice Bravens —
Leonard Martin
Knows Melvina
Farris nee Frye. Knew her
mother. They lived in Iola
until her mother died
about 25 yrs ago. E had
one child Sulbertson.
born in Iola.
Knew her husband
Farris, they took up to-
gether there but did
not marry there but
came off together
living in Coffeyville,
Kan.
She had one child
Perdita by a white-
man —

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melvina Farris, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Melvina Farris, et al.,.....	Cherokee	Freedmen	D 772
Solomon Farris,.....	"	"	D 773
Frederick Farris,.....	"	"	D 803
Bertha Baldridge,.....	"	"	D 848

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Melvina Farris for herself and her minor children, Elijah, Mattie, Lula, Leroy and Luther Farris, and subsequent to her original application, an affidavit was filed showing the birth of her minor child, Watt Farris, and the same is made a part of the record herein; by Melvina Farris for her adult son, Solomon Farris, who is of unsound mind; by Frederick Farris for himself; and by Bertha Baldridge for herself.

The evidence shows that the applicant, Melvina Farris, was the slave of a Cherokee citizen at the commencement of the rebellion, that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until about one year prior to the Kerns-Clifton payment, which was made in 1897. It does not appear that her husband, William Farris, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein were born since 1866, and are the descendants of said Melvina Farris, claiming the right to enrollment through her. It does

not appear that the names of any of the applicants herein are found on the last authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Melvina Farris, Elijah Farris, Kattie Farris, Lula Farris, Leroy Farris, Luther Farris, Walt Farris, Solomon Farris, Frederick Farris and Martha Baldridge as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1906 (34 Stats., p. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Commissioner.

T. B. Needles.
Commissioner.

C. R. Breckinridge
Commissioner.

W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this [illegible]

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Motion Review, et al.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Tahlequah, I. T., this day of , 1903.

PEEL, HASTINGS & DATENBACH,
Attorneys for Cherokee Nation.

By _____

772

MARSHAL'S RETURN.

INDIAN TERRITORY,
CHEROKEE NATION. } ss

I Hereby Certify That I received the within summons on the 19th day of February, 1901, and that I served the same by copy, as follows:

Personally ..... at ..... this ..... day of 1901
Personally ..... at ..... this ..... day of 1901
Personally ..... at ..... this ..... day of 1901
At residence of ..... at ..... this ..... day of 1901
At residence of ..... at ..... this ..... day of 1901
At residence of ..... at ..... this ..... day of 1901

With a member of witness's family over fifteen years of age there residing.

Marshal for the Cherokee Nation.

SUBPOENA.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons [illegible] Rose, Tahlequah, I. T.

to be and appear before the United States Commission at Muskogee, I. T.,

on the [illegible] day of [illegible] at 8 o'clock A. M., 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands [illegible] 1901.

L. B. Bell
W. W. Hastings
Jas. S. Davenport

Attorneys for the Cherokee Nation

F. D. 772

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made
1 original filed with the
DAWES COMMISSION.

FEB 1, 1906

NOTICE!

IN THE MATTER OF the application of .....

for enrollment as Cherokee Freedmen:

Case No. F. D. 772

To Melvina Ferris et al v Lewis J Brown agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on February 21-1902 **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February 1902

L B Bell

N. N. Hastings

Jas S Davenport

Attorneys for the Cherokee Nation.

F10772

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 28 1901

NOTICE!

IN THE MATTER OF the application of Melvina Farris for enrollment as Cherokee Freedmen:

Case No. F. D 772

To Melvina Farris Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R B Bell

N. N. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-772, D-773,
D-803, D-848.

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris, and Bertha Baldridge, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. E-69.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE
W E STANLEY

ALLISON L AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D- 772, D-773,
D-803, D-848.

Muskogee, Indian Territory, July 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Melvina Farris, et al., rejecting the application for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Solomon and Frederick Farris and Bertha Baldridge, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, was, on July 11, 1903, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. E-69.

MD-9

COMMISSIONER:
TAM. BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEAL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-772 et al.

Muskogee, Indian Territory, May 20, 1904.

W.W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Melvina Farris et al., rejecting the applications for the enrollment of Melvina, Elijah, Mattie, Lula, Leroy, Luther, Watt, Frederick and Solomon Farris and Bertha Baldridge as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 13, 1904.

Respectfully,

Commissioner in Charge.

Cher. Fr. D-773

Cher Fr. D-773

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of her son, SOLOMON FARRIS, as a Cherokee Freedman; said Farris being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowescoowee District.

Com'r Needles: Melvina Farris applies for the enrollment of her son, Solomon.

Q How old is Solomon? A 25.
Q What is his post office? A Lenapah.
Q What district does he live in? A Coowescoowee District.
Q Do you apply to have him enrolled as a Cherokee Freedman?
A Yes, sir.
Q Why isn't he here himself? A He is just not bright enought to talk and explain himself.
Q Isn't of sound mind? A No, sir, he is easy excited.
Q Has he mind enough to do business for himself? A No, sir.
Q He is a non-compus? A Yes, sir.
Q Did you draw any money for Solomon? A Yes, sir.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls of Freedmen of the Cherokee Nation examined and name of Solomon Farris not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 198, #6494, Solomon Frye, alias Faris, no district given.

COM'R NEEDLES: Applicant applies for the enrollment of Solomon Farris, her son. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896; he is identified upon the Wallace roll as per page and number of the roll as indicated in the testimony. She avers that he is non compos and thereby unable to apply for himself. He makes satisfactory proof as to his residence. The testimony taken in the application of Malinda Farris for the enrollment of herself and children who has been enrolled on D. Card #772, will be made part of the testimony in the case of the applicant and a copy thereof filed herewith. Said Solomon Farris will be listed for enrollment as Cherokee Freedman on a doubtful card. His mother will be notified by mail of the action of the Commission in the premises.

—oo0 Ooo—

I, C. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 6, 1901.

[illegible]
Stenographer.

To be filed with case of Solomon Farris, C. F. D.#773.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Melvina Farris for the enrollment of herself and four children as Cherokee freedmen; said Farris being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Melvina Farris.
Q How old are you? A I don't know exactly how old I is.
Q Well, about how old? A I guess I am about 46 or 7.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Nine.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Farris.
Q Is your name on the roll of 1880? A It ought to be on there.
Q What is your father's name? A Andy Frye.
Q What is your mother's name A Sophia Ross.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir, she is dead.
Q Now, give me the names of your children under 21 years of age, commencing with the oldest? A Solomon.
Q How old is he? A 25; he is not right bright, he can't tell me his own age.
Q Now, give me the names of the children that are under 21 and not married? A Elijah.
Q How old is Elijah? A 18.
Q The next one? A Mattie, 15; Lula, 13; Leroy 10.
Q Next one? A Luther, seven; Watt is four.
Q Is that all? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Where is he? A He is on the ground here.
Q You don't apply for him? A No, sir.
Q Are you and he living together? A Yes, sir.
Q Were you ever married before? A No, sir.
Q Your maiden name was Ross? A Frye, my mother never was enrolled, my father was enrolled.
Q Did you draw what is known as strip money? A No, sir, my name was displaced.
Q Did you ever draw any money? A Yes, sir, drawed on the Wallace roll.
Q Did you draw for any of these children? A Drawed for the three eldest one.

The 1880 Authenticated, the 1896 Census and Kern-Clifton Rolls of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 148, #1180, Vinny Ross, no district given.

You never drew for these younger children did you? (No response.)
Q Have you any witnesses here? A Yes, sir.
Q Who are they? A Jim Alberty and Allen Lynch.
Q Where were you born? A I was born in the territory.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir.
Q What is your father's name? A Andy Frye.
Q Is he a Cherokee freedman? A Yes, sir.
Q Was on the roll of 1880? A Yes, sir.

Q What was your mother's name? A Sophia Ross.
Q Is her name on the roll of 1880? A No, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Susie Ross and Oliver Ross.
Q Is she living? A No, sir, she is dead.
Q Was Susan Ross and Oliver Ross Cherokee citizens? A Yes, sir.
Q You were born a slave yourself? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Up North.
Q Your mother with you? A Yes, sir.
Q What part of the North? A Kansas.
Q Well, when did you return from Kansas? A In '66.
Q Who did you return with? A Uncle Jess Brown brought me down.
Q How long did your mother live after that? A I don't know exactly how long she lived.
Q Where did you come to? A Uncle Jess Brown brought me, I was at his house.
Q Is he living? A No, sir, he is dead.
Q Was your mother dead before 1880, 32 years ago? A She died right away after the war.
Q Who raised you yourself? A I stayed around with my brothers.
Q Who were your brothers? A George Ross and James Ragsdale.
Q Are they living? A Yes, sir.
Q Are their names on the roll of 1880? A Yes, sir.
Q Why isn't your name there? A I don't know.
Q Your brother you say was James Ragsdale? A Yes, sir.
Q And who else? A George Ross.
Q Are they older or younger than you? A They are younger.
Q You have always lived in the Cherokee Nation? A Yes, sir.
Q How many times have you been married? A Once.
Q To William Harris, is he living? A Yes, sir.
Q Is he the father of all these children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Is your husband a citizen? A Adopted citizen.
Q He is known as a state man? A Yes, sir.

By E. L. Hastings, Cherokee Representative:

Q Where did Jess Brown live when you came down? A I don't know, sir. I was too small to remember it, I know Uncle Jess brought me down.
Q Was Uncle Jess living down in this country? A I don't know, sir, where he was living.
Q Well, if you were too small to remember where he was living, wasn't you a little too small to know the date? A I always know I was brought down in '66 because I just lived around with my brothers, because I had no mother.
Q Well, where did you live when you first came down here?
A I lived with my Brother James on Foyer Creek.
Q Well, where did you first see Jim Alberty? A I don't know, sir, remember the first I ever saw him.
Q You don't remember that? A No, sir.
Q Well, did you stay with Jess Brown a while after you came down here? A Yes, sir.
Q Well, you don't remember what part of the Cherokee Nation he was living in? A No, sir.
Q About how many years after the war did your mother live?
A I don't know how many, I was quite a small when my mother died.
Q Did she die in the Nation? A Yes, sir, she died in the Nation.
Q And Jess Brown went up and brought you down? A Yes, sir.
Q Did the road of Jess Brown's family live with you?
A I don't know anything it was his family I lived with.
Q Do you remember what other people came down in the [illegible]? A No, sir.
Q Do any of Jess Brown's relatives live around here? A I don't know, but there is an old man.

Q Well, you were about ten years old then wasn't you?
A probably I was, I don:t recollect anything about slavery.
Q I mean when you came down here? A Probably I was about that old, I don't know.
Q Well, who did you go to living with first when you came down here?
A My brother Jonas.
Q Did you go to keeping house? A No, sir, he was married.
Q He was living down here when Jess brought you down?
A Yes, sir.
Q Jess brought you down and you found out where your brother was living? A I stayed with uncle Jess and when I found out where my brother Jonas was I went to him.
Q You didn't come back with your brother? A My brother was already here.
Q Well, you don't know about how long you stayed with Jess Brown?
A No, sir, I don't.
Q Do you think you stayed as much as a year? A I don't know whether it was or not.
Q Do you remember what time of the year it was Jess brought you down? A No, sir.
Q Don't know whether it was spring, summer or fall? A No, sir.
Q Do you know what time of the year it was you went to live wit your brother Jonas? A Yes, sir, it was in the fall when I went to live with him.
Q You don't know how long you had been at Jess Brown's then?
A No, sir.
Q Jonas was living on Fryer Creek you say? A Yes, sir.
Q He was married then? A Yes, sir.
Q Did he have any children at that time? A He had two.
Q What were their names? A Sophia and one was named Vinsy.
Q That was when you went there? A Yes, sir.
Q How much older was your brother than you? A I don't know how much older or younger than I was.
Q He was grown when the war broke out? A Yes, sir.
Q Was Jonas married when the war broke out? A No, sir.
Q Do you know where he was married? A No, sir.
Q Did he marry after he came back here? A He must.
Q He had two children when you went down there? A Yes, sir.
By Com'r McCleg: Was Andy Frye your father? A My naturle father, my stepfather is here on the ground now.
Q Sophia Ross was your mother? A Yes, sir.
Q Was Andy Frye and Sophia Ross married? A They were living together as man and wife.
Q Did they go to Kansas together? A My mother went to Kansas, they didn't go together, she had the consumption.
Q Your mother was a slave? A Yes, sir.
Q And belonged to? A Oliver Ross.
By Mr. Hastings: You were a slave yourself? A Yes, sir, but I was small.

JIM LIBERTY, being sworn and examined by Commissioner T. B. Beedles, testified as follows:
Q What is your name? A Jim Liberty.
Q How old are you, Jim? A 70 years old.
Q What is your occupation? A Farming.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the gentleman here, Columbus Parker? (He responds.)
Q Do you know her by the name of Columbus Frye? A Yes, sir.
Q How long have you known her? A Well I don't know, I have known her pretty near all her life.
Q Was she ever married? A When I saw her last she wasn't married.
Q What was her father's name? A Andy Frye.
Q What was her mother's name? A I don't know anyone's name.
Q Will do you know whether Andy Frye's wife? A Yes, sir, I heard she was, I don't know whether she was just a friend of his.

knew her mother was.
Q Sophie Ross? A Yes, sir; that is the name.
Q To whom did Sophia belong? A Oliver Ross.
Q Well, was Sophia taken out of the Cherokee Nation during the war, do you know? A No, sir, I don't know.
Q When was the first time you saw this Vinsy Ross after the war?
A This girl?
Q Yes. A When Jesse Brown came back from Kansas in '66, he brought her back I saw her there in that year.
Q At Jesse Brown's house? A Yes, sir.
By Mr. Hastings: Where was Jess Brown living? A He was living at my house at that time when he first came back here, down on the river.
Q Down on Grand river? A Yes, sir.
Q Did Jesse Brown have a family? A Yes, sir, he had a wife and no children.
Q How long did this girl stay down there? A I don't know; when he left there and went away with her I never saw her any more.
Q He took her away with him? A Yes, sir, took her up here to where he lived; he built out there on Coosewalk home.
Q And he went up there did he? A Yes, sir.
Q How long did he stayd down at your house? A He stayed there near a month.
Q You never saw this girl before the war yourself? A No, sir, not to know her.
Q That was the first time you had ever seen her?
Q Yes, sir; that is, to know her.
Q Did Jess Brown have any children of that woman? A The woman he had.
Q Yes. A After he left?
Q Didn't have any then? A No, sir, had one seen after.
Q But didn't have any at that time? A No, sir.
Q Well, when did you ever see this woman again? A I never saw her any more for several years after he moved up here to Coosewalk.
Q Was she living there when with Jesse Brown? A Yes, sir, Jesse had her then.
Q Four or five years afterwards? A Yes, sir.
Q Up here on Coosewalk? A Yes, sir, she was pretty near to grown woman then.
Q Where do you say now Jess Brown went from your place? A He went up here near to Coosewalk bend, that is where he went to.
Q You don't know where he lived? A Not until four or five years afterwards I was at his house up there.
Q You are the fellow that testified about meeting some man that was ferrying across the river between Muskogee and Fort Gibson in '66 when he went backwards and forwards to Muskogee to trade didn't you? A Yes, sir.
Q And you testified in another case about driving some cattle along 66 miles driving some cattle and back in the same day?
A I didn't say 66 I said from there Fort Wright lived.
Q From what place? A There on Rock Creek.
Q You have been a citizen in a good many years? A Yes, sir.
Q You are not on the Dawes roll yourself? A No, sir.
Q Your citizenship is connected? A I don't know about that.
Q You are on a dead roll? A Yes, sir, of course I know that.
Q Well, now, after you saw this girl living with Jess Brown four or five years afterwards, then did you meet her?
A Right here.
Q And this is the third time you have seen her since the war?
A Yes, sir.
Q Did you remember saw Jess Brown coming to your house 50 years ago? A Yes, sir.
Q Did he ever mention this to them A No, sir.
Q Didn't say nothing but Jess Brown and his wife and this girl?
A That is all I noticed.
Q What was Jess Brown's occupation? A I don't know don't think

last New, I knowed.
Q How old was this girl when she came to your house there?
A I don't know, right smart strip of a girl.
Q About what age would she be the first time you saw her?
A About eight or ten years old.
Q Did she have a brother or sister with her? A No, sir.
Q You knew that she was living up there four or five years afterwards with Jess Brown on Goosenest head ? A Yes, sir.
Q How far did you live from Jonas Ragsdale on Pryor Creek?
A I don't know how far it was.
Q About how far? A Jonas lived pretty well.
Q Were you ever at his house? A No, sir.
Q Do you know when he married? A No, sir, I don't know.
By Com'r Meadlos: Did you know this girl's mother? A Yes, sir, I knowed her.
Q Who did she live with? A Oliver Ross.
Q Was she ever married? A I don't know whether she was married or not.
Q Well, did she ever live with a man as his wife? A She had children, I don't know whether she had married or not.
Q Did you know Andrew Pryor? A Yes, sir.
Q Well, did Andrew Pryor and Sophia, the girls' mother, live together? A I don't know.
Q How old are you Si, 70? A 70.
Q You have been in this country a good while? A Yes, sir.
Q You have been in this country almost all your life?
A Yes, sir.

ALLEN LYNCH, being sworn and examined by Commissioner T. B. Meadles, testified as follows:
Q What is your name? A Allen Lynch.
Q How old are you, Mr. Lynch? A 61 years old.
Q What is your postoffice? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Vinsy Parris? A Yes, sir, I know her.
Q What was her mother's name? A Sophia Ross.
Q Do you know her father? A Yes, sir.
Q What is his name? A Andy Pryor or Andy Clark used to be.
Q Did they live together as man and wife? A I don't know whether they did or not, no, sir.
Q Well, now, who did Sophia Ross, their girl's mother, belong to?
A She belonged to Oliver Ross.
Q Selvina belonged to Oliver Ross, was she? A Yes, sir.
Q Well was Sophia Ross and Selvina taken out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where to? A What to runaway.
Q Well when did they return? A I don't know that.
Q When was the first time you saw Vinsy here after the war?
A The first time I seen her was the time of the payment roll?
Q That was several years afterwards? A Yes, sir.
Q You don't know anything about when she returned and when Sophia, her mother, returned? A No, sir.
Q You saw her during the payment roll? A Yes, sir.
Q You know her since then? A Yes, sir.
By Com'r Meadlos: Did you see her mother there? A No, sir.
Q Did she say where her mother was at that time? A Heard to me she said her mother was dead.
Q You don't know when she came back? A No, sir.
Q Where Sidney Ross lived? A Well he lived right down on the low edge of what we call the Spring prairie, right down below the Oregon Baptist, below Lemont Grove.
Q Where did Andy Pryor live? A He lived right up on the branch about three-quarters of a mile from where Sam Allen was.

By Com'r Needles: Was Oliver Ross a Cherokee? A Yes, sir.
Q Cherokee Indian? A yes, sir.

MELVINA FARRIS, the applicant, recalled:
By Mr. Hastings: When was the first time you saw your step-mother? A When I went North.
Q I mean of her you come back here? A I saw her when I was about, good sized girl.
Q Well, how long after the war, as much as ten years? A Yes, sir.
Q Is that the best you can recollect? A I saw her a good many times at places but I never did come to their house, but I have seen her master a good many times.
By Com'r Needles: You say that you never drew any money for any of these younger children? A No, sir.

Com'r Needles: Melvina Farris applies for the enrollment of herself and five children, to-wit: Elijah, Mattie, Lula, Leroy, Luther and Watt. She cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and is duly identified upon the Wallace Roll. She avers that she is a child of Andrew Frye by Sophia Ross. She avers that ~~she was born a slave. She never returned was taken out of the Cherokee~~ Sophia Ross was a slave of Oliver and Susan Ross, and that she was also a slave. She avers that she was taken out of the Cherokee Nation during the war, and returned in the year 1866; that she is now married to one William Farris, the father of the children on whom she applies. William Farris is what is known as a State-man and not a Cherokee Freedman in his own right. They are all duly identified and make satisfactory proof as to residence. Now, Melvina Farris and her six children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. She will be notified by mail of the action of the Commission in the premises. It will be necessary for applicant to make satisfactory proof of birth as to said six children, their names not being found upon any of the rolls.

SUPPLEMENTAL to the above Application:

WILLIE FRYE, being sworn and examined by Commissioner T. M. Needles, testified as follows:
Q What is your name? A Willie Frye.
Q How old are you? A I am 64.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
Q Do you know Vinny Farris who has just applied to be enrolled? A Yes, sir
Q Did you know her mother? A Yes, sir.
Q Who was her mother? A Sophia Ross.
Q Was Sophia Ross and children, were they slaves? A Yes, sir
Q To whom did they belong? A Oliver Ross.
Q Was he a Cherokee citizen? A Yes, sir.
Q How long have you known Sophia? A I have known her ever since she was a baby.
Q You know her mother, Sophia? A Yes, sir.
Q Did Sophia taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where to? A To Kansas.
Q When did they return? A I don't tell you.
Q When did you first see Sophia after the war? A I don't remember just when I saw her.

Q Well, about how many years afterwards? A I don't know, 18 or 20 years.
Q You never saw her, Willie, after the war? A She lived with me while we were in Kansas.
Q Did she come back with Andy Frye? A No, sir.
Q Andy come first did he? A Yes, sir, he left her with her mother.
Q You don't know when she and her come? A No, sir.
Q Andy is her father? A Yes, sir.
Q You married Andy afterwards? A Yes, sir.
Q Did Andy and Sophia live together as man and wife?
A Yes, sir, and Oliver Ross lived out on the Verdigris and that separated them and after he moved out there a while me and Andy was married.
Q Is Andy Frye living? A Yes, sir.
Q You say his name is on the roll of 1880? A Yes, sir.

The 188 Authenticated roll of freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 259, #1074, Andrew Frye, Delaware district.

SUPPLEMENTAL JUDGMENT: The testimony of Willie Frye, who is now the wife of Andrew Frye, indicates that the said Andrew Frye and Sophia Ross lived together as man and wife a number of years before the war, and the said Andy Frye has been listed for enrollment and his name appears upon the authenticated roll of 1880 as per page and number of the roll as indicated in the testimony.

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J. O. Ronzen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23d of August, 1921.

Commissioner.

File with case C.F.D.# 773

Supl.-C.F.D.#772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MELVINA FARIS as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee Representative.

Mr. Brown: Comes now the Agent for the applicant and objects to any testimony tending to disprove the citizenship of this applicant for the reason that she is a descendant of a person whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims, No. 17,209, of date February 3, 1896, under which this Commission is making the roll of Cherokeefreedmen, strictly prohibits introduction of any testimony t nding to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880; that this applicant during the war and after the close of the war was a minor and if she was entitled to take at all it was through her parents, one of whose names appear upon the authenticated roll of 1880.

Commission: The objection will be noted and the testimony heard.

HAYWOOD ROWE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q That is your name? A Haywood Rowe.
Q Do you know Melvina Faris? A Yes, sir.
Q How long have you known her? A About 25 years.
Q Where was she when you first saw her? A Up here at Houston Robe-'s, her brother-in-law's.
Q About how old was she? A She was the mother of two children then.
Q She was grown? A Yes, sir.
Q Where was she living at that time? A Up in Kansas.
Q Do you know what place? A Up about, near Humbolt, or at Humbolt I don't know which.
Q Did you ever see her after that time? A Few years after that time she came down to see her sister again.
Q Where was she living at that time? A She was living at the same place.
Q Where do you know where she is living now? A Yes, sir.
Q Where is she living now? A I don't know exactly, she is living up there near Tahlequah Nat.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether or not from the time you got acquainted with her up to the time she moved to the Tahlequah Nat, she ever went back to Kansas? A I don't know.
Q Do you know her husband? A Yes, sir.
Q Was your married name she could take the name you mentioned?
A Yes, sir.

Q Now, you first got acquainted with her about twenty how many years ago? A About between 23 and 25 years ago.
Q And you say she was a sister-in-law of Houston Rogers?
A Yes, sir.
Q They are living up there now about Gooseneck bend?
A Yes, sir.
Q About how long have they been living up there in the Cherokee Nation About Gooseneck bend? A About 18 years, just about that.
Q That was sometime in the early part of the eighties she moved into the Cherokee Nation? A Yes, sir.
Q Had you seen her in the Cherokee Nation prior to the time you saw her at Houston Rogers' place? A No, sir.
Q Did you ever seen her prior to that in your life? A No, sir.

MR. BROWN:

Q There was a lot of people in the Cherokee Nation you never saw until three or four years ago? A Yes, sir.
Q You say when you saw her in 1877, or somewhere along there, she was not married? A Yes, sir.
Q How do you know? A She said she was not married.
Q How come she to tell you that? A I saw her there and she said she was not.
Q Well, now, from 1866 until 1877, do you know where Melvina Faris lived? A Only what she told me.
Q What did she tell you? A She said she lived up in Kansas.
Q You say she was grown in 25 or 6 years ago? A She had two children.
Q Well, was she grown? A I don't know whether she was or not.
Q You have stated she was, I went to know whether that is true or not? A Yes, sir.
Q What is Melvina Faris' father's name? A I don't know her father.
Q What is her mother's name? A Sophia.
Q Did you know Sophia at the time the war broke out?
A No, sir.

Q You don't know whether she was here in the Cherokee Nation at the close of the war or not? A No, sir, only what she told me.
Q What did she tell you? A She said she went back to Kansas.
Q What did she say about her father? A She said Andy Frye was her father.
Q Andy Frye is a recognized citizen of the Cherokee Nation, is he not? A Yes, sir.
Q When did she move in there? A About 18 or 20 years ago.
Q How long was it from the time you saw her until you say she moved to the Cherokee Nation? A It must have been about four or five years.
Q Then if you saw her 24 or 5 years ago and she moved here four or five years, according to your estimate, after you first saw her, what year did you say she came to this country? A I don't know the date, it was about three or four years before the payment she came down to visit her people.
Q Where were you living at that time? A I was working for Clem Rogers.
Q How far is that from the place that Melvina Faris lived at that time? A I don't know, I never was up that way.
Q You say she moved down here four or five years after you saw her at Houston Rogers and you estimated to place that place she moved to, now I want to know how far it is from the place where you were working to the place where you think she moved? A About some or ten miles from Clem Rogers' to Bryson.

Q How do you know that when she moved on that place that was the first time she moved to the Cherokee Nation? A Her and her husband said so.
Q That is the only way you know it? A That is what they say.
Q You don't know where she lived prior to 24 or 25 years ago?
A No, sir, only what she said, she said her mother was up there and died and she come down here hunting her people.
Q Did you know Jesse Brown during his lifetime? A No, sir.
Q At the time of his death he was a recognized citizen of the Cherokee Nation was he not? A Yes, sir.
Q Haywood, you have been a witness in a great many cases haven't you? A I think this is the third one.
Q You have never testified in this case before have you?
A Never did.
Q You were living in this country when the Wallace roll was made?
A Yes, sir.
Q And also when the Kern-Clifton roll was made? A I didn't go before Mr. Wallace.

Mr. Davenport: I object to any question about the Wallace roll because the Cherokee Nation was not represented in the making of the Wallace roll.

Q Well, now, Haywood, who did you first tell that you could testify about these facts? A I don't know; I don't know whether I told anybody or not, talking about these things all the time.
Q Did you ever tell any one that you knew these facts that you have testified to to-day? A I have talked about it to-day.
Q That is the first time you have told anyone what you claimed to know about these people? A No.
Q When was it? A It might have been in the spring.
Q Along about the time the application was made? A Yes, sir.

BENJAMIN HAVE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Benjamin Have.
Q Where do you live? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Did you know a woman by the name of Melvina Faris? A Yes, sir.
Q Do you know her husband? A Yes, sir.
Q What is his name? A William Faris.
Q Where do they live now? A Last time I saw them they were living in Coffeyville, Kansas.
Q About how long ago was that? A About two years ago.
Q How long have you been acquainted with Melvina Faris?
A Ever since about '80.
Q Was she married then? A No, sir.
Q Where was she living when you got acquainted with her?
A Iola, Kansas.
Q Has you seen her or met her often since that time? A Yes, sir; lived right by her.
Q How many miles you lived to her place that time? A About three miles.
Q Where was she living when you lived that near to her? A On the Verdigris river.
Q In that county where they call Cooweescoowee now? A Yes, sir.
Q About when did you move to where you lived on the Verdigris river? A About a year before the Kern-Clifton payment.
Q Where was she living when you first got acquainted with her?
A Iola, Kansas.
Q Before you moved to the Cherokee Nation did she live on any other place than Iola? A Yes, she lived in Coffeyville.

Q Was she married when she lived in Coffeyville? A Yes, sir.
Q Was she married with reference to the time she moved to the Cherokee Nation? A I don't know just when she married this man, but when I met her there in Coffeyville she was living with this man and had two children.
Q Well, about when now did she move from Kansas down to the Cherokee Nation? A Into the Cherokee Nation from Coffeyville? A Yes. A It was about a year before the Kern-Clifton payment.
Q Did you ever know Jess Brown's family? A Yes, sir.
Q Where did they live? A Lived just across the river from where she lived.
Q Are any of them living up there now? A Yes, sir; some children.
Q How far is it from where Melvina Faris lived to the place where Jess Brown's family lived A About three miles and a half.
Q Pratcically same neighborhood? A Yes, sir.
Q Do you know whether or not Melvina Faris' mother was living at the time she moved to the Cherokee Nation? A Yes, sir.
Q About how old was Melvina when you got acquainted with her?
A She was a grown woman.

MR. BROWN:

Q You say her mother was living at the time you got acquainted with her? A What she called mother.
Q Her name was Sophia Ross? A No, sir.
Q What was her name? A She was living with a man named Jonas Carter.
Q Now, don't you know as a matter of fact that her mother died before the war closed? A No, sir, I don't know anything about what happened before the war closed.
Q Are you prepared to state that is not a fact? A Which is not a fact?
Q That her mother didn't die before the war closed? A The one she was living with and one she called mother didn't.
Q How old are you? A I am 39 years old, to 40 next birthday.
Q Did you go out of the Cherokee Nation during the war?
A I don't know whether I did or not.
Q Don't know when you returned do you? A No, sir.
Q Now, have you ever lived in Kansas? A Yes, sir.
Q How long? A About 12 months.
Q Never lived any longer than that? A No, sir.
Q How long did you live in Oswego? A About 12 months.
Q You swear that? A Yes, sir.
Q What were you doing up there at Yola? A Visiting.
Q How did you fix the date? A It was after the payment I went from Tahlequah with Bill Rose after a span of mules and when we got up there we stopped with Jonas Carter and this woman was there.
Q Where were you in 1890 or 1891? A In Fort Smith and up around in the Territory.
Q Where was your home? A Didn't have any home.
Q You are the same Benjamin Keys that gave an affidavit in the Tom Hell case before J. W. Wallace? A No, sir.
Q You swear that? A Yes, sir.
Q You know when J. W. Wallace made a roll don't you?
A Yes, sir.
Q And you never made any affidavits relative to his citizenship in the town of Muskogee in the year 1891? A No, sir.
Q Just as positive about that as any other matter you testified to, aren't you? A Yes, sir.
Q Now, you say you don't live in Dewalt? A No, sir.
Q You did live by Coffeyville? A Yes, sir.
Q About what time of the year did you see her there?
A I could not tell you.

Q About what year was it? A It was just before the payment.
Q What payment? A Kern-Clifton.

Q Where was she prior to the time you saw her in Iola in 1880?
A I don't know all the places I saw her.
Q Name one place? A She lived in Coffeyville.
Q Prior to 1880? A Yes, sir.
Q Now, from the time you saw her in Iola in 1880 and the time you saw her in Coffeyville, which you say was one year before the Kern-Clifton payment, where did she live? A She lived in Coffeyville Kansas when I met her there.
Q Now, from the time you claim you saw her in Iola in 1880 until you saw her in Coffeyville in a year before the Kern-Clifton payment, where did she live? A She lived in Iola when I got acquainted with her. She lived in Coffeyville the next time I met her, and ~~if she lived anywhere else before that I am not prepared to tell you~~
Q How long was it from the time you saw her in Iola, Kansas, until you met her in Coffeyville? A It was ten or 15 years.
Q Don't you have already testified that you saw her in Coffeyville prior to 1880? A No, I didn't say that.
Q You didn't say that? A If I said; I saw her in Iola in 1880.
Q You are just as positive you have testified to that as any other statement you made? A I didn't say I seen her in Coffeyville in 1880.
Q You are just as positive that you have not testified that you saw this woman in Coffeyville, Kansas, prior to the year 1880 as you are to anything else you have testified to? A If I said that I didn't mean to, because I didn't see her there in 1880.
Q You have been a witness in a great many cases? A No, sir.
Q You have been in the employ of the Nation most of the time since April? A No, sir.
Q You have not? A No, sir.

MR. DAVENPORT:

Q If you were in the employ of the Nation at present would that cause you to tell a lie about having seen this woman in Kansas in 1880? A No, sir.
Q Would it cause you to tell a story about having seen her in Coffeyville prior to the Kern-Clifton Commission? A No, sir.
Q When did you come down to this enrollment? A This morning.
Q From your home in Vinita? A Yes, sir.
Q Were you subpoenaed here? A Ex, Yes, sir.

MR. BROWN:

Q This is not the first time you have been running here?
A Yes, sir, I have been here ever since this here was a town.
Q I mean ever since the enrollment was here? A No, sir.
Q You have been subpoenaed here several times? A Once before.
Q You stayed several days? A Yes, sir.

ROSS CHANCE, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A Ross Chance
Q Where do you live? A I live at Vinita.
Q How long have you lived at Vinita? A About five or six years.
Q Did you ever live at Iola, Kansas, or near there? A Yes, sir.
Q About how long did you live there? A Oh, it has been eight or nine years.
Q While you were living at Iola, Kansas, or near there, did you ever get acquainted with a colored woman by the name of Malinda Reed or Polly Ann—I don't know what name she went by then. Did you ever get acquainted with a woman by that name? A Yes, sir.

MR. BROWN:

Q Mr. Chance, have you ever been convicted of a felony?
MR. DAVENPORT: I object.

Commission: Note the objection and answer the question.
A I ain't being tried.
Mr. Davenport: Answer his question if you have been convicted of a felony.
A I don't know what you call a felony is.
MR. BROWN:
Q Have you ever served a term in the Penitentiary?
A Yes, sir.
Mr. Brown: I object to his testifying.
Q Served your time? A No, sir.
Q Were you pardoned? A Yes, sir.
Q Have you got your pardon with you? A No, sir, but I can prove it.
Q Where is it? A It is at home; I got it from Gov. Andy.
Q Have you ever been convicted of a felony here in the Indian Territory? A Yes, but it was on proof.
Q You pled guilty? A Yes, sir.
Q You served your time? A Yes, sir.
Mr. Brown: I object to his testifying.
MR. DAVENPORT:
Q You don't know what a felony is? A I was discharged.
Q You pled guilty to what? A Selling whisky.
Q And you served a jail sentence? A Yes, sir.
Q You say you got acquainted with a girl by the name of Melvina at Iola, Kansas? A They called her Viny Frye.
Q Have you seen her since you got acquainted with her at Iola?
A Yes, sir, I seen her there.
Q After you came here to this country? A I seen her twice in this country.
Q What name does she go by now? A Melvina Faris.
Q When was it you first got acquainted with her at Iola, Kansas?
A Along in '80.
Q Do you know whether she was living there at that time or not?
A Yes, she was living there.
Q How long did she live there to your knowledge after you got acquainted with her? A About seven or eight years.
Q Do you know whether she was living with any one there that she called mother? A I was not personalyacquainted with her mother. They called her Aunt Sophia, I wasn't acquainted with her mother.
Q About what size was she when you got acquainted with her?
A I would take her to be a between 17 or 18 years old.
Q That was along somewhere in 1880? A Yes, sir.
Q About grown then? A I would take her to be that.
Q Do you know where she is living now? A No, sir.
Q Do you know her husband, William Faris? A Yes, sir.
Q He be a Minister of the Gospel? A Yes, sir, that is what he claims to be.
Q Did you ever know of her living anywhere else besides Iola, Kansas? A No, sir.
MR. BROWN:
Q Crowder, where did she live prior to 1880? A Iola, Kansas.
Q Did you say you knew her prior to that time? A No, sir.
Q You said her mother's name was Sophia? A That is what we they all said in Iola.
Q Where did you know her mother? A I didn't say I knew her mother. Her mother's name was Sophia, her stepfather's name was Jesse Carter.
Q Where did you [illegible]? A I don't know. That is what they said her mother's name was.
Q How long did you live in the State of Kansas, Crowder?
A I don't know, you see I have been there many times and my home

the war.
Q Well, now, prior to the year 1880 you cannot state where the applicant in this case lived can you? A Where she was living in 1880?
Q Prior to 1880 can you state where this applicant lived? A I know where she started to go when she left there.
Q Please answer my question? A I didn't say prior up to where she lived all the time, when she left there.
Q Now, when did she leave there? A I know she left there in 1880.
Q How do you fix 1880? A I was living there myself.
Q Do you know what year this is? A This is 1881, isn't it.
Q I thought you met her in Kansas? A I don't know when I met her, I know when she left there.
Q Do you know when the Kern-Clifton roll was made,? A I don't know whether I was here or not.
Q You don't know whether you were here or not when this Kern-Clifton payment was made? A Yes, sir.
Q When was that? A I don't know.
Q Do you remember when the Wallace roll was made?
A I wasn't here.
Q What year were you born? A I don't know, I was born in, somewhere-
Q In what year were you first arrested? A I don't know.
Q You have been a great many times? A No, sir.
Q You were arrested one time for robery? A No, sir.
Q Wasn't you arrested one time for breaking in a house on one Sunday morning? A No, sir.
Q And you deny that you served a sentence in the penitentiary?
A No, sir.

MR. DAVENPORT:

Q You say you don't know what year this is?
A I don't pay any attention to the year, I know this is the ~~[illegible]~~ though.

Commission: This testimony will be filed in and made a part of the record in the following Cherokee Freedmen cases: D.-773, D.-803, D.-848, and in the case at bar.

---oooOOOooo---

J. O. Reesom, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 2?, 1908.

Commissioner.

F20773

Proof of Service made
and original filed with the
DAMES COMMISSION.

SEP 28 1941

NOTICE!

IN THE MATTER OF the application of Solomon Parris for enrollment as Cherokee Freedmen:

Case No. F. D 773

To Solomon Parris Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 24th 1901 at 8 o'clock A M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R Bell

M. M. Hastings

P. A. Newman

Attorneys for the Cherokee Nation.

Cher. Fr. D-774

Cher. Fr. D-774

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Lewis Gibson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Gibson.
Q What is your age? A I can't tell my age.
Q About how old? A I don't have any idea; well I may be 59 or somewhere along there, or maybe older.
Q What is your postoffice? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir
Q Who do you want to enroll besides yourself? A Just myself.
Q Your name on the roll of 1880? A No, sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.
Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.

The 1880 authenticated roll of Cherokee Freedman examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedman examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 102, No. 2844, Coowescoowee district, Louis Gibson.

The Wallace roll examined and the applicant identified thereon, page 115, No. 2481, district not given.

Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you live? A On Grand River.
Q Who was your master? A Levi Childers.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.
Q His wife was a Cherokee? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir
Q Where did you go? A Fort Scott.
Q Kansas? A Yes, sir.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When did you come back? A In '64.
Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and couldn't travel alone.
Q What was your father's name? A Peggy Gibson.
Q Some slave were you at that time? A I was grown, I don't tell just what size.
Q Do you know where they brought you to? A Yes, sir, brought me to Grand Creek, Cherokee Nation.
Q Where have you lived since that time? A Still living there yet.
Q Living right on Grand Creek? A Yes, sir, same place.
Q How long has your father been dead? A I don't say exactly, I know he died, I don't know exactly, I am not able to tell.
Q Was your father a slave also? A No, sir, he was a free man. He lived amongst the Cherokees, came from Georgia with the Cherokees and lived there among them all the time.
Q You were a slave? A Yes, sir, he had my mother for a wife.

Q What was your mother's name? A Caroline.
Q Caroline Gibson? A Caroline Childers,, she was known by, I think her name is on the 1880 roll by Charles.
Q Charles? A Caroline Charles.
Mr. Hastings: Did you come back with your mother? A No, sir, came back with my father.
Q Have you been married? A Yes, sir.
Q Where were you married? A I was married in Kansas.
Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
Q What was her maiden name? A I don't know her maiden name.
Q Don't you know her name when you married her, Mary what?
Q Why Carbin I guess was her name.
Q You married after the war? A Yes, sir.
Q Were you born blind? A No, sir, my eyes got put out.
Q Before or after the war? A Before the war.
Q The time you married in Kansas your first marriage? A Yes, sir.
Q You have any children by that marriage? A Yes, sir.
Q What was the oldest one's name? A Napolean.
Q What was the next one? A William.
Q And the next one? A Rosanna.
Q The next one? A Posey.
Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
Q You think he is more than two years older? A Yes, I expect he is.
Q You think more than three? A Well sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
Q How much older is Napolean than Rosa? A Napolean, I can't tell you, Napolean I think is about thirty years old.
Q He is your oldest child? A Yes, sir.
Q Napolean born in Kansas? A No, sir.
Q You were not in the army before you were blind? A No, sir.
Q Was your father? A No, sir, I had a brother was younger.
Q Your father marry again in Kansas? A No, sir.
Q Do you know what year Posey was born in? A No, sir.
Q Know what year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
Q You know what year Napolean was born? A No, sir.
Q Can't tell what year none of them was born? A No, sir.
Q Know what year Wallace paid the money? A No, sir, I can't remember that.
Q Know what year the Kern-Clifton Commission sat and when they took a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
Q You are not good at dates? A No, sir.
Q Know what date this is? A Well no, sir, I don't remember what date this is.
Q Did you come back in the spring or fall? A In the fall.
Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
Q What part of the Territory did you come to? A I come to Snow Creek.
Q About how far from the south of Snow Creek? A Why I am living now I guess about a quarter or a half a mile from the south of it.
Q Is that the place you located? A Yes, sir.
Q When you first came there? A I located just on the other side of the creek, I am living on the east side now.

Q You located right there on the same place? A Yes, sir, right on Snow Creek.

Q On what side did you say you first located? A On the west side.

Q Right on the bank of the creek? A Yes, sir.

Q Did you make a field over there? A No, sir, I didn't put in any field, my father had a field over there.

Q You located with your father? A Yes, sir.

Q Anyone else come along with you except your father and your?

A There was other folks along but of counsel can't say who they were, there was some other wagons.

Q Do you remember any of them? A I remember Joe Ross was along, I wasn't acquainted with the other folks much, and of course I don't know.

~~Q Nelson Murrell wasn't along? A Yes, sir, I think he was.~~

Q You remember that now? A Yes, sir.

Q You remember coming through any town coming down here? A No, sir, I can't tell what we came through.

Q You didn't hear them talking about any town or place? A No,sir

Q What was the nearest town to you when you first located up there at Snow Creek? A There wasn't any town.

Q Well, the nearest trading point? A There was no place we went and traded, I don't know of any place there was to trade when we came there.

Q Well, who had located up in that country before you?

A No one as I know of.

Q Did you ever hear of Alex Conner up in there? A No, sir.

Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.

Q Nobody living on Snow Creek when you came there? A No, sir, none at all; there was one family, Caroline Adair. Amos Adair and Caroline, they were the only people I know anything about being there when we were there.

Q That was in the fall of '66? A Yes, sir.

Q Anybody else you can think of? A No, sir.

Q Never knew anyone else to be in there? A No, sir.

Q Did you know Adam Beaty? A Yes, sir, I got acquainted with him kinder since we came there.

Q He wasn't living there? A No, sir.

Q You know William Nobles? A No, sir.

Q Well you have been living there ever since, have you? A Yes, sir.

Q Never went back to Kansas? A No, sir, haven't went anywhere ~~[illegible]~~ since I have been there.

Q Where did you get something to eat that first year? A My father brought his provisions with him.

Q When did you first see Mr. Sammy Brown? A On Grand River.

Q How long after the war? A Well I never saw him after the war, but I knew him before the war, he was around the place where I lived.

Q He is just to prove your ownership then? A Yes, sir.

Mr. Hallette: What is the name of the son that is here with you?

A Foley.

Q Where was he born? A On Snow Creek.

Sammy Brown, being duly sworn by Commissioner Nobles, testified as follows.

Mr. Hallette: What is your name? A Sammy Brown.

Q Where do you live now? A [illegible].

Q Do you know the applicant, Lewis Gibson? A Yes, sir.

Q How long have you known him? A Since his father's death up in

the present.

Q Do you know where he lived before and during the early part of the war? A In Saline, on Grand River.

Q Who was his mistress? A Sarah Childers.

Q Was she a Cherokee? A Yes, sir.

Q Do you know where he was during the war? A No, sir, I don't.

Q You don't know anything about when he came back here after the war? A No, sir, don't know anything about that.

Mr. Hastings: Where did you live before the war? A Lived in Saline.

Q How far from him? A About two miles.

Q He was living there when the war came up, was he? A Yes, sir.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallette: What is your name? A Nelson Murrell.

Q What is your age? A 77.

Q Where do you live? A Coowescoowee.

Q Do you know the applicant, Lewis Gibson? A Yes, sir.

Q Did you know his father, Possy Gibson? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.

Q When? A Fall of '66.

Q How do you know he returned then? A He came with me.

Q Was his father along? A Yes, sir.

Q Where did they locate? A Snow Creek, Coowescoowee.

Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.

Mr. Hastings: Did he come with you when you first came back?

A No, sir.

Q When was the first time you came here after the war? A I came here in February, 1875.

Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1860 or the census roll of 1896, but he is identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He swears that he was the slave of one Sarah Childers. He was taken out of the Nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence. Lewis Gibson will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of June, 1908.

[illegible]

[illegible]

R.

C. F. D-774.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.
Q Where do you live? A Near Harding, Bourbon County, Kansas.
Q How long have you lived in Bourbon County, Kansas?
A I have lived there ever since February of 1860, with the exception of the period I went away. I was gone about nine years.
Q What period was it you were away?
A I was away from 1875, the spring of 1875, until the fall of 1884.
Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.
Q What is the name of the post office?
A At the beginning of the war, it was Mapleton.
Q At the close, the same place? A Same place.
Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes sir.
Q Do you remember the names of any of them?
A I remember an old gentleman was there first?
Q What was his name? A Posey Gibson.
Q Do you know whether or not he had a family?
A Yes sir, and I know it it is way. . He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son lying on the streets of Fort Scott, and that he brought his son home.
Q Do you know the name of the son? A Lewis.
Q Ever see him yourself? A Yes sir.
Q Any defect about him, any affliction?
A Yes sir, he was blind, and he had fits, they said.
Q After his father brought him down to Mapleton, how long did he remain there, if you know?
A I guess I have got a right to look at the record--
MR. MELLETTE: Is that a memorandum made at that time?
A It is the births of my children that I got up.
Q Was it made in 1866, is that a copy of the record.
A That is a copy of my children, drawn out of my children of their record.
MR. MELLETTE: I object to the reference to it, because it is not the original record.

WITNESS: All I knew, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only Charlie name was Henry. And that is all the family that he had. I'll be frank this blind boy is Fort Scott. This Henry often led Lewis about the house. Then after he came, we heard that Lewis was married.
Q When was it that you heard that?
A I can't say, but I think it was in 1866.

2.

And in the next year I know that Lewis' wife washedfor me, in September of 1869.
Q How do you know that?
A I know it was because it was my son's birthday.The 14th of August, the 14th of August, 1869, ~~thank~~ this woman washed for me when he was about a month old. I remembed that I got the dinner that day, and they hada child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.
Q Do you remember thenameof the child? A It was Napolean.
Q Was you and Mr. Winship married at that time? A No sir.
Q What was your name at that time? A Pitman.
Q When, after the time that Lewis' wife washedfor you, and Lewis was there with him, with the child Napolean, did they leave, as near as you can fix it?
A They were there in Christmas or New Years of 1871, because I had a neice that was born February 16th, 1871.
~~Q Were they there at that time?~~
A Yes sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis'Wi Because theywere pretty near starvation.
Q About how far did they live from you from the time you got acquainted with them until they left there?
A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and half maybe, but when I began to know them the lived just a quarter of a mile from us. I seen them passing on t e road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.
Q Do you know whether or not they hadmore than one child before they left there?
A No sir, the child was Napoleon.

MR. MELLETTE: When was it that you knew Napoleon?
A September, 1869.
Q How old was he at that time?
A I could not say just about how old. Might have been five or six months old.
Q Now I want you to read me everything you have got down there, begin right at the first.
A. James Henry Pitman, born January 6, 1864; Riley Edward Pitman, born December 6, 1865;
Julia Estella Pitman, born October 3, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 22, 1871; Mark Antony Pitman, born July 26, 1873; Nancy Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 18, 1878; Mattie Maria Pitman, born November 16, 1880, Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1883. Emily P. Pitman, married Winship July 4, 1894. Mr. William Phillips came to possess from North Carolina 1872, March. I made a mistake there. He came in March-- Eliza Josephine E., born November 14,1872.
Q Why did you put that there?
A Because that is the day my neice was born.
Q Have you got the recorded it anywhere? A Yes sir.
Q Where is it? A In the Bible.
Q What is it doing there? A She was my neice.
Q Born at your house? A No sir.
Q Did she have a father and mother? A Yes sir.
Q What did you put it down in the Bible for
A Because the 16th day of February was such rather noted day.
Q Why did you put it down in the Bible? A Because I wanted to.
Q Where is that Bible? A At home on my table.
Q Do you put all your relations, the births and marriages of all your relations down in that Bible?
A Yes, because I wanted, I remember and show my son Lewis, I remembered that he was just six months and two days older than she

was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.
Q You remember 34 or 35 years ago your husband was killing hogs?
A Yes sir.
Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?
A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?
Q Certainly, that is self-evident? What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.
A I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old--
Q When was that? A In 1870/
Q You stated that you put down the record of the birth of your neice, in order that you could remember how old your son was?
A No, I didn't say that.
Q Why, you just did it?
A No, because we were killing hogs and I thought I would give them something to eat on that day.
Q I am talking about the record of the birth of your neice. How why did you put thatin your Bible?
A Why would a person put anything in the Bible except because they wanted to?
Q You stated that it was so that you could remember thebirth of your own son, and stated that he was six months older or six months younger than your neice.
A She was born on the 16th day of February, and he in August. I havegot a good many things to remember the 16th day of February by.
Q When did you move to Kansas?
A We moved to Kansas from Illinois in the fall of 1859.
Q You are certain of that? A Yes sir.
Q How old are you? A Sixty.
Q Did you remember seeing this man Gibson when you first moved there
A No sir, I did not.
Q What year did you first see Lewis Gibson?
A I would not say positively I saw him until 1864.
Q Did you see him in 1864? A Yes sir.
Q How do you know? A I seen him at Posey Gibson's.
Q What makes you remember him? A I remember Posey Gibson and his wife.
Q What makes you remember that you saw them in 1864?
A In 1864 the women in our neighborhood pieced a quilt for the methodist preacher, and my mother went around and solicited blocks and she cut up the blocks, and our names was to be written on them, and I wrote the names on with indelible ink, and I said, this colored woman's block is the best block. That was in 1864.
Q When did you first think about the quilting blocks?
A That was in 1864.
Q When did you next think about it?
A I thought about it when this man asked me about Mrs. Gibson.
Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.
Q How many years ago was it that happened, since 1864?
A Thirty-eight years, I think.
Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864.
A He didn't tell me that he wanted me for a witness., or I would not have told what I know. He just met me in the road somewhere or if I have a man by the name of Posey Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was., and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 38 years?
A I remembered it just as vividly, that we pieced the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.
Q Is this your husband out here?
A That is my husband now.
Q Where was he living in 1866?
A Lived about where we live now. He was a soldier in the army. He was not there hen these colored folks came to Kansas. He was in the army. Myself and myx husband lived right there.
Q You have been married twice? A Yes sir.
Q When did you marry your present husband?
A On the 4th day of July, eight years ago.
Q What year? A I think it was 1894. I don't remember dates very well.
Q Where was your present husband living in 1870?
A Right where we live now.
Q You were not married to him then? A No sir.
Q He was living at the same place? A Yes sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.
Q Where do you live? A In Bourbon County, Kansas.
Q What is your postoffice? A Harding.
Q How long have you lived in Bourbon County, Kansas?
A Ever since 1857.
Q Where were you at the close of the war?
A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.
Q When the war closed? A I was discharged in 1865.
Q Where did you go then, Kansas? A Yes sir.
Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes sir.
Q After the close of the war, what pein did you return to in Kansas?
A I came back to Harding. Stayed there for a month or two and then moved to Mound City.
Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?
A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.
Q What were their first names, if you know?
A Lewis Gibson and Posey Gibson.
Q Which was the older of the two? A Posey.
Q Do you know what relation, if any, they were?
A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.
Q That is the understanding? A Yes sir.
Q When was this that you got acquainted with these people?
A In 1866.
Q Do you know whether or not they were living in the country at that time? A Yes sir, within about a mile and a half of where I lived
Q Where did you live when you first saw them?
A Right in the vicinity there, I don't know but about at the same place.
Q What, if any defect, had Lewis Gibson? A He was blind.
Q Do you know whether or not he married in that country?
A Yes sir he married.
Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help on farm.
Q When was that that Lewis Gibson helped you?
A I think it was along about January 1866.
Q What was he doing? A Husking fodder.

Q Did you have anyone else, if you remember, helping you?
A A colored man by the name of George Vann.
Q You say that was in 1868? A Yes sir.
Q Do you know whether or not Lewis Gibson had any children?
A I could not tell you, but I understood that he had.
Q Ever see any children claimed to be his?
A No sir, never was at his house., but then I understood that he had a child.
Q Have you ever seen them since they left that section of country?
A No sir.
Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year come spring that he worked for me.
Q The spring of 1868? A Yes sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.
Q You don't remember when they left after that? A No sir.

MR. MELLETTE: When was it Lewis Gibson hauled fodder for you?
A In the spring of 1868, along about January, to clear off the corn ground for plowing.
Q When was your attention first called to him?
A He hauled fodder in the spring of 1868.
Q When were you first asked about this mater?
A It has been just this last Monday, I believe, a gentleman came up from here.
Q You had not thought very much about him from 1868 to this time?
A No sir.
Q Do you remember back that he hauled fodder for you in 1868?
A Yes sir.
Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.
Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.
Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.
Q Who drove them? A George Vann drove them.
Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder
Q Lewis was blind? A Yes sir.
Q He could load the fodder all right?
A He could load better than most of the men that have got eyes.
Q You can remember back absolutely 34 years? A Yes.
Q You would not swear that it was 1868? A Yes sir.
Q Why? A Because I came back in 1865, and Jim Jackson farmed for me in 1866, then this in 1867, and Lewis hauled my fodder for me and done some of the farming in 1868.
Q You remember it this long? A Yes sir.
Q How many times did you see Lewis after that?
A I could not tell you.
Q Often? A Not very often, no sir.
Q Where was Lewis in 1866?
A He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place west, about a mile or a mile and a half.
Q How do you know? A Because I seen him.
Q What time in 1866? A I could not tell you.
Q Where did you see him in 1866? A At Posey Gibson's.
Q What were you doing there? A I could not tell you what I was doing there, I don't remember what I was doing there.
Q Did Lewis Gibson come down to the Indian Territory in 1868?
A No sir.
Q How do you know he did not?
A Because I never missed him from there.

Q. Did you watch him all the time? A. No sir.
Q. Can you remember back now, whether was absent or not absent?
A. I don't think that he was.
Q. Was you aware that he was here?
A. He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.
Q. He could have been absent for two or three weeks without you knowing anything about it.
A. Yes, he could.

MR. DEVEVEUX: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1881, inclusive, page 110

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 26th, 1881.

J. M. Bryan &
C. H. Taylor, } Atty for Claimants.

No. 110.

Poce Gibson
Annuetta Gibson,
vs.
Cherokee Nation. } Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till next Term, Feb. 3rd, 1882.
Submitted by the Solicitor September 20th, 1882.

And now on this the 26th day of September, A. D. 1882, this cause coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the claimants here Gibson and Annetta Gibson, are not Cherokees by blood, and that said claimants being colored persons who were free and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said nation at the ratification of the treaty of 1866, failed to return thereto within twelve months from the 19th day of July, 1866, are not entitled to the rights and privileges of Cherokee Citizenship while the guardian relation, and that their claim therefore should be and the same is hereby rejected.

[illegible], President of Commission.
Alex Wolfe, Commissioner.
[illegible], Commissioner, dissenting.

[illegible] }
Clerk of Com.

Transcript Published January 3rd, 1883, [illegible]
By [illegible],
Clerk of Commission.

MR. DEVEVEUX: I object to the admission of the record.

If Commissioner, the record filed here is a record of the Commission which has adjudged to be the proper tribunal to determine the Citizenship Cherokee Nation, which did not exist at the time of the passage of the Act of Congress.

The testimony will be filed and do not make a part of the records in the following Cherokee Freedmen cases:
D-726, D-158, D-907, D-1051, and in the case of Ward.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly reported the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

P8117

[illegible] 1, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of PERRY ADAIR for enrollment as a Cherokee Freedman.

Applicant appears by Melissa A. Smith. Cherokee Nation, by W. W. Hastings.

Motion.

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitfire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. 2 436, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Louis Gibson, F 774

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, immaterial and irrelevant, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of the law, hence the decree necessary for the determination of the rights of any person who joined application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and used in such individual case.

Conclusion:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record of [illegible] in all the cases mentioned with the exception of those which [illegible] in the decree [illegible] recently [illegible] [illegible] and Mariah Hayden.

The applicant moves also that an order be entered [illegible] the Mariah Hayden [illegible] be called outside [illegible] of the [illegible] of the [illegible] case [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 30, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Gibson, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Lewis Gibson,.....	Cherokee	Freedman	D 774
Napoleon Gibson,.....	"	"	D 195
Posey Gibson,.....	"	"	D 786
William Gibson,.....	"	"	D 807

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission; by Lewis Gibson for himself; by Gideon S. White for Napoleon Gibson, who at the date of this application was confined in the penitentiary; by Posey Gibson for himself; and by William Gibson for himself. Copies of the two income taxes at Muskogee, Indian Territory, on May 16, 1908, in the matter of the application of Joseph Vann are made a part of the record herein.

The evidence shows that the applicant Lewis Gibson was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said Nation during the rebellion and did not return thereto until after January 19, 1867. The other applicants herein are the children of said Lewis Gibson. Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and Posey and William Gibson were born since that time. The applicants Napoleon, Posey and William Gibson, having been born since the commencement of the rebellion, take no rights as Cherokee Freedmen, except such as they may have acquired through their father.

It further appears that none of the names of said applicants are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Levis Gibson, Napoleon Gibson, Posey Gibson and William Gibson as Cherokee Freedmen, should be denied, under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 10 1903

Marriage Certificate.

Lewis Wilson

TO

Mary Shields

CERTIFICATE OF MARRIAGE.

I, _____, Do Hereby Certify that I

SOLEMNIZED THE MARRIAGE

of Lewis Gibson, both colored and Mary Shields

at my house, on the 29 day of July 1868

Wm Irving, Local Deacon
M. E. Church

State of Kansas, } ss. PROBATE COURT.
BOURBON COUNTY.

I Hereby Certify, That the above is a true copy of the Marriage Certificate of

Lewis Gibson to Mary Shields

as appears of Record in my office. Recorded in Book "A-B" Page 264 of Marriage Record

IN WITNESS WHEREOF, I Rudolph Smith Probate Judge

and ex-officio Clerk of said Court, have hereunto set my hand and

seal of said Probate Court, this 24th day

of March A. D. 1882

Rudolph Smith

F D. 774

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 23 1904 190

Mattoon & Worth

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

Proof of Service made and original filed with the DAWES COMMISSION.
SEP 23 1904

NOTICE!

IN THE MATTER OF the application of Lewis Gibson for enrollment as Cherokee citizens:

Case No. D 774

To Lewis Gibson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell

M. D. Harlings

Attorneys for the Cherokee Nation.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F D

F. D. 774 - Lewis Gibson, Et al
Witness, Amelia F. Winship
Po Harding Bourbon Co
Kansas

States That She is Sixty years of age
Came To this County about Forty years ago
have resided here since That Time except
an absence of Ten years, from 1875 To 1885
I Knowed a Colored man by the name of
Lewis Gibson. I became Personally acquainted
with him and his wife in the year 1869 his
wife was named Mary They lived about a
Quarter of a mile from where I did
I fix the date from the birth of a Child
his wife worked for me occasionally He
and his wife moved away from here
in the year 1870. I Had saw Lewis for
Two or three years before this He was blind
I saw them leading him around occa
sionally I Knowed his Father Posey
Gibson became acquainted with him
in about the year 1864 He moved away
from here the Summer or Fall before
Lewis died

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

2

Please return this letter with your reply or mention this Number: F. D.....

Came back after Lewis and his wife The next Spring Posey lived here continuously from The Time I first Knowed him until he went away

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE PERMANENT ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.....

F. D. 774 - Lewis Gibson, Eb, al

W. H. Hinship, Witness.
PO - Harding, Bourbon, Kansas.

---

of age I have resided in this neighborhood since the year 1857 - with the exception of the time I was in the army and six months that I marched out west of here I knowed Lewis Gibson. I became acquainted with him about the year 1866 - He worked for me in the year 1867 - He remained here two or three years afterwards and moved away I knowed Perry Gibson He went away before Lewis died and come back after him. he went the year before

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS, ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-774, D-195, D-786
& D-807.

Muskogee, Indian Territory, July 24, 1905.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, in the consolidated case of Lewis Gibson, et al., rejecting the applications for the enrollment of Lewis, Napoleon, Posey and William Gibson, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. E-84.

Cher. Fr. D-775

Cher. Fr. D-775

Cherokee Freedman, D-775, Samuel Beck

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C.R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then? A (No response)
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 188, No. 2838, Alice Sanders, Coweescoowee district.

The 1890 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2812, Eliza Meigs, Coweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir that was my owners.

The Dawes roll of the Cherokee Nation examined and the name of the applicant found thereon as follows.

Page 192, No. 20, Elizabeth Daniel.
Wife of Peter Meigs.

Dawes roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows.

Page 111, No. 2812, Elizabeth Meigs, Coweescoowee District.

Q Where were you during the Civil war? Did they take you out of the Cherokee Nation? A I was at Fort Smith during the war.
Q When did you come back? A In the winter of '65.

Q What time in the winter? A Well it was inthe winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '65.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir, I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
Q Was it as much as a couple of three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Parker Sanders.
Q Who else? A Daniel Sanders.
Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did anyone else come down? A I don't remember anyone else now.
Q Were you there when they started down? A We all came together I am telling you.
Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q Those that you have named are all the ones you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horseback that time? A They came in wagons when they first came.

Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q Wha house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see anyone from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you?
A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that came? A Aaron Wright come with us.
Q Who else? A (No response)
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you?
A Yes sir - and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? No sir, there was some lived on Verdigris when we come there
Q Who? A Lucie Riley was there on Verdigris, but now there we was living.
Q How far from there you settled? A I don't know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest neighbors to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you came there? A No sir I never see none.
Q Any Shawnee? A No sir, never see none.
Q You didn't see anybody on Big Creek neither white or back, except those that came with you? A That is all.
Q And you came back there ever since? A Yes sir, ever since we moved there.
Q You say your husband Daley Ralph built a house there? A There a big house there and he rented the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I don't know if he is or not.
Q Some 1 or 2 years after you came down there your husband went to Tahlequah before the court, didn't he, to get about his citizenship? A Yes sir.
Q They didn't want you then did they? A I don't know sir.
Q You knew he was disturbed? A I didn't know nothing about it, I never paid any attention to my dear husband as long as I had.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is dont you? A Yes sir.

Q What court did you know? A Kerns Clifton court.

Q Any other court that you know of? A I know c the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road

Q. Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Aline have you? A Yes sir.

Q. how long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 176, No. [illegible], Ruben Sanders, Goweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chamberd Court.

Q Is that the only one? A Yes sir that is the only one. I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I didn't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Ocobaltie was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any question made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Greenwood Land, at the time.

Q Do you know the applicant Elizabeth Ballard A Yes sir.

Q Your wife's her daughter? A Yes sir.

Q [illegible] citizenship was disputed the same time yours was?

A Yes, sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I don't know.
Q You were there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long after you got back before you married? A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time?
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place: the heads of these families.
Q Who else came with you? A My brother Sam and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moses and Reuben, and the Fobbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Nair, and I dont know who else, I dont know who all came.
Q Who came when you came in October? A I dont know who all came then, some of that same crowd and some more came in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Jesse Smith.
Q You came in both of the detachments yourself? A No sir.
Q Which one did you come in? A I came in August.
Q You didn't come in October then? A Yes sir. I came when we first came. We brought some of our farming utensils when we came in August and left them on the creek.
Q On Big Creek? A Yes sir..
Q Where Peter Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67? A No in the winter of '66.

Q Do you mean you came home in the August and October of '65 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Pannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. F. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that it was a mooted question before the Kansas Claims Commission as to who came at this time and as to when you came? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know what they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A Win' river?

Q Neosho? A No sir.

Q You didn't cross at the Osage ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chetopa and came on west through the prairie? A We did here.

Q You came 15 miles? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people the Red men in August or October before that? A I dont no knowledge of anyone living there before that.

Q Were there any houses there except those that you speak of?

A I dont know of any houses, but there were foundations for them on Big Creek.

Q Were the houses once out built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q Howfar does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I went with my father

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Where was Peter Meigs in December? A He came with us on each trip

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in relation of kin, by blood? A No sir I don't exactly know where he was in relation of kin.

Q When Peter Meigs got back to the Cherokee Nation with his family

did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the Winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter Meigs made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

QQ With his family? A Yes sir.

By Com'r Breckinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Evans-Clifton roll and on the Dallas roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of [illegible] his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but on the [illegible] of the testimony, it also appears that proceedings may have been had in some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee Treaty, protecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get a certified copy of the record. Unless there appears to be, the call will [illegible] and be [illegible] for [illegible] and get the record

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being duly sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Signed: Chas. von Weise.

Subscribed and sworn to before me this the 26th day of May, 1901, at Chelsea, I.T.

Signed: T. B. Needles,
Commissioner.

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Supplement:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Elizabeth Meigs for enrollment as a Chickasaw Freedman.

Andrew Jackson, having been duly sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Andrew Jackson.
Q How old are you? A I am only about 20 years.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you made and corrected a statement you made there? A Yes sir. I wish to make the statement that I was in January, 1897, when I made the last note, about the first of the month. It was the following August in 1897 I had been here in August you know, in '96 and in October, and up until the last note in January, and I got it down February 1 or July. I mailed it in January.
Q How did you find out you had a [illegible] interest or [illegible]?
A It was from [illegible] was on the road driving [illegible]
Q How long [illegible] A [illegible] after [illegible]
my [illegible] [illegible] days [illegible]
[illegible] Chickasaw [illegible] A [illegible] and there
[illegible] a [illegible]
[illegible] and by the [illegible] after
[illegible] [illegible]
[illegible] Chickasaw. [illegible]
[illegible] Q. [illegible]
Q How old [illegible]
[illegible]
Q Where did [illegible]
Q [illegible]
Q [illegible]
Q

Q You know what county Pitchott is in? A No sir.
Q Who called your attention to this error? A I thought so myself; I called my own attention to it; I was studying over it; I did.
Q You know how it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Selgs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. H. Breckinridge,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Sam Beck for the enrollment of himself, his wife and one child, as Cherokee Freedmen.

Sam Beck, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Beck.

Q Samuel Beck? A Yes, sir.

Q What is your age? A I can't tell exactly what my age is, as near as I can come, I guess it is about 52 or 53.

Q What is your post office? A Bartlesville.

Q What district do you live in? A Coowescoowee.

Q Do you apply to be enrolled as Cherokee Freedman? A Yes, sir

Q Who do you want to enroll besides yourself? A My wife and daughter.

Q What is your wife's name? A Mary Meigs, before I married her, she is Beck now.

Q How old is she? A I think when she enrolled on the Wallace roll, I think it was given in 45 or 55.

Q About how old is she now? A I should think she is something over 40 or maybe over.

Q What is the name of your child? A Luquittie Beck.

Q How old is she? A She is going on 15.

Q Is your name on the roll of 1880? A Well sir, I can't tell whether it was or not, it ought to be, whether it is or not I don't know.

Q Is your wife's name on the roll of 1880? A No, sir.

Q Do you know whether you have ever been recognized by the Cherokee authorities as a Freedman? A Yes, I have never been disputed.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you draw strip money? A I only drew the Wallace money and the Skidmore money.

The Wallace roll examined, and the applicants identified thereon as follows:

Sam Beck on page 181, No. 4433, Coowescoowee district.

Q Did you draw for your wife? A Yes sir, I draw for my wife and three children.

Mary Beck on page 100, No. 2413, Coowescoowee district, as Mary Meigs;

Luquittie Beck on page 101, No. 2414, Coowescoowee district, as Luquittie Beck.

The Wallace roll examined, and the applicant, Sam Beck, identified thereon, page 134, No. 2421, Coowescoowee district.

Q Have you any witnesses? A Yes, sir.

Q Who are they? A Lewis Daniels and Lester Parson.

The Wallace roll examined and the applicant, Mary Beck, identified thereon, page 133, No. 2422, district not given, as Mary Daniel (alias Meigs.)

Q Why is your name put on the roll of 1880? A I can't tell you, I don't. Meigs told me he would see if was put on all right and that is the last I heard of it.

Q Did you ever apply to the Cherokee authorities? A Only just going to the elections and voting and such like.

Q Have you ever a claim? A Yes, sir.

Q Who did you talking to? A I talked to Jim Beck.

Q Was he a Cherokee citizen, or Indian was he? A He was a Cherokee citizen I suppose, I don't know whether he was mixed or not.

Q What was his wife's name? A Her name was Cynthia.
Q Was she a Cherokee? A Yes, sir, she was a Cherokee.
Q Did you go out of the Cherokee Nation during the war? A Yes sir, I went out with the soldiers.
Q Where did you go to? A I went south.
Q How far south? A I went out as far as Little Rock with them, I enlisted as a soldier, and went down as far as Little Rock.
Q What company were y u in? A 2nd Kansas Battery.
Q Where were you discharged? A At Leavenworth.
Q Kansas? A Yes, sir, Leavenworth Kansas.
Q Have you got your discharge now? A I have got it at home, I didn't bring it with me.
Q When were you discharged? A I can't tell you, but I think it was in August.
Q What year? A I can't tell you what year, I am not educated and don't know anything about the dates.
Q When did you return to the Cherokee Nation? A I returned in '66. I came right on from Leavenworth t Fort Scott and came right on through, I think it was in either August or September, no not in August, I got there in August to Fort Scott, and I think I stayed there a couple of months probably before I came back, and my brother in law came up there, named Solomon Foster, and I came on down to Gibson with him.
Q You came down to Fort Gibson? A Yes, sir.
Q That is the first place you came after the war? A Yes, sir, and they all lived there, and the balance of my brothers and sisters.
Q What was your father's name? A Jim Beck.
Q Is he living? A No, sir, he is dead.
Q What was your mother's name? A She died before the war, her name was Liza.
Q Your father was at Fort Gibson when you came? A Yes, sir, never was out.
Q You been living in the Cherokee Nation ever since that?
A Yes, sir.
Q Was your wife a slave? A Yes, sir.
Q Who did she belong to? A Well I really can't, to be true, I can't tell you, but I believe it was the Daniels.
Q Where did you marry her? A I married her on Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q That was after you came back? A Yes, sir.
Q Well, did she go out of the Nation during the war? A Yes, sir, I think she did, she came back with her father and mother.
Q When did you first see her after the war? A Well, after I had been to Gibson and came back up on Lightning Creek then I got reacquainted with her.
Q What year was that, you recollect? A No, sir, I don't.
Q What time was you came back? A No, sir, it was after-wards.
Q Well, do you know when she returned? A No, sir, I can't tell you.
Q Was your first wife? A Yes, sir.
Q You her third husband; she ever married before she married you?
A No, sir, not as I know of.
Q You and her been living together ever since then? A Yes, sir.
Q Living together now? A Yes, sir.
Q You own property in the Cherokee Nation? A Yes, sir.
Q You always been? A Yes, sir, always been.
By U.S. Commissioner Cherokee Allotment: Now who have any children by your deceased wife? A Yes, sir, she had a boy.
Q What is that boy's name? A His name was Bill Beck, and he is dead.

Q You don't know whether she was ever married to Mitchell's father or not? A No, sir.

Q You didn't have any children when you married her that you recognized? A No, no sir.

Q Where was Joe Beck living before the war? A Well, I think they called it, as near as I can remember, I think it was in Doing Snake, it was near Hilderbrand's Mill.

Q Did Joe Beck have any family besides a wife? A Yes, sir.

Q What are the names of the children? A I think the oldest one of the boys was named Head Beck, he was working in the mill then, I expect he is working in that mill to-day if he isn't dead.

Q Then you belonged to Head Beck's father and mother? A Yes, sir

Q What kind of a house did Joe Beck live in? A He lived in a hewed log house.

Q Have a spring or a well? A Well.

Q Have a farm connected with his place? A Oh yes, he had a big farm, several farms connected with his place, some right there and some two or three miles off.

Q Your father and mother belonged to the same people? A Yes, sir

Q Where did you join the army, you say, Little Rock? A No, I joined the army at Van Buren.

Commissioner: Van Buren, Arkansas? A Yes, sir.

Mr. Harding: You remember what year you joined the army?

A No, sir.

Q You don't remember what year you were mustered out? A No, sir.

Q You don't remember what year you were married in? A My certificate can tell.

Q I say to you remember it? A No, sir, I can't tell.

Q You have a number of children, haven't you? A I haven't but one living.

Q You have had some that died? A Yes, sir.

Q What was the oldest child you had? A The oldest one was named Nancy Jane.

Q Do you know what year she was born? A No, sir, I can't tell.

Q What is the one living now? A Luguittie.

Q Is that the only name she goes by? A That is all, yes, sir.

Q How old is she? A Going on 13.

Q You remember what year she was born in? A No, sir, but then if it were easy I can show it, I have got the ages down.

Q See with whom did you live at Fort Gibson? A I didn't live with anybody in particular, I lived with the soldiers mostly.

Q I mean after the war? A I didn't live with anybody after the war, I wasn't there but just in and out and I didn't live there in town at all.

Q Where did you live? A I worked around in the fields.

Q Are when? A Well, I couldn't get a permit, one thing, after I got to Gibson a while, I got a contract for making ties for that railroad that ran through there at that time.

Q How long did you work at Fort Gibson at that time? A I can't tell you how long, I hadn't been there long.

Q A year? A No, sir, I never stayed there a year at one time.

Q I mean before you commenced making ties? A No, sir, I can't tell you, I don't think that it was really.

Q That was the railroad that you through ties? A Yes, sir.

Q Well, but you done any work before you did that work that you remember of, long after you came back, after the war in other words, the last part of the first week you remember of being?

A No, sir, I don't know as I did, only just little good around there one place and another, everything.

Q Went to the first week you have any distinct recollection of doing so much as anything? A Yes sir, to [illegible] as [illegible].

Q From the time you came back?

A I think it was over on Cabin Creek where I was making ties.
Q That was up near Vinita? A Yes, sir.
Q Did you go from Fort Gibson up there? A Yes, sir, I would go back to Fort Gibson to see my folks every once in a while.
Q You went from Fort Gibson up there to make the ties? A Yes, sir, I camped up in them woods and stayed out there.
Q Before you began work you went from Fort Gibson up there?
A Yes, sir.
Q Before you commenced making them? A Yes, sir.
Q Now how long had you been at Fort Gibson after the war, is it your best judgment that you had been there, before you commenced making those ties, a year, or had you been there that long, or longer?
A Well, it seems to me, I will not be positive, it don't seem to me I was there over a year.
Q Your father and mother were living down there? A No, sir, my mother died before the war, my father was living there then.
Q With whom did he live? A Just him and his family.
Q Did he have another wife and these children? A Yes, sir, he had another wife.
Q Where was he living? A He was living on a branch they call Four Mile Branch.
Q That was out from Fort Gibson? A Yes, sir.
Q How far from town? A I don't suppose, it might have been maybe a couple or maybe three miles, I don't know whether it was that far or not.
Q Did he have a place out there? A Yes, sir.
Q How long did you stay with him at any one time? A Well, after the war, I never stayed with him, I don't know, altogether, to say stayed right at him, more than a week at a time, at one time.
Q Well, now after you quit making ties, then where did you go?
Q Well, they gave me a contract of getting out some brick timber.
Q I mean after the railroad ran through there, what did you do?
A I went back on Big Creek.
Q That is when you first met your wife? A Yes, sir.
Q You never had seen her before that? A No, sir, I hadn't got acquainted with her.
Q Did you marry along about that time? A No, sir, I married, it was a good while after that.
Q Did you ever go back to Texas after you were down here?
A No, sir, never went up there to live.
Q Did you ever go back up there at all to work? A No, sir, only up here on the line to Coffeyville, that is here in the last few years, back and forward, and stay maybe twenty three days and a night.
Q Never lived up there any length of your life? A No, sir.
Q Where are you living now? A Near Coffeyville.
Q How long have you lived there? A About 18 or 20 years, well I came to a place directly after I was married, make it a few years before I was married and married and went and moved right in it.
Q 18 or 20 years? A Yes, sir.
Q Did you ever see L. B. Rendle before the war? A Yes, sir.
Q Where did he live? A You mean before the war?
A Yes? A No, sir, never saw him before the war, it was the time I was in Fort Gibson.
Q That was after the war? A Yes, sir.
Q You never saw him before the war? A No, sir.
Q About how long did you see L. B. Rendle in Fort Gibson after the war? A I was mostly doing nothing. I was just [illegible] around there, I would meet a [illegible] of my [illegible] who was on Brook, who was running a [illegible] house, and there he

where I stopped mostly, at her boarding house, Aunt Cindy.

Q Aunt Cindy what? A She wa married too, I just called his name a few minutes ago, I called his name that she was married to him then, Irvin.

Q He was a stranger to you at that time? A Who was?

A L. D. Daniels? A Yes, sir, but he mighty quick got acquainted with me, because he came to see my other brothers and sisters, and then you know I got acquainted with him, he was at my father's place once in a while.

Q That was before or after you went to work making ties? A That was during the time I would be going backwards and forwards.

Q That was the time when you saw him, when you were making ties up there, you were going backwards and forwards? A No, sir, I saw him directly after I returned with Foster to Gibson.

Q How long was that before you were making ties? A Well, I don't remember just how long it was, when I went to making ties, after I saw him at Fort Gibson.

Q You didn't stay in Fort Gibson very long, did you? A Never stayed in Fort Gibson, I wasn't never altogether at one time a month, no, sir.

Q Well, your father was living out from Fort Gibson at the time you were staying at Fort Gibson? A Yes, sir, living out on Four Mile Branch.

Q Where was that boarding house at, what part of town, that you met L. D. Daniels? A That was in the southwest part of town, down in a kind of a bottom or flat, where she had her boarding house.

Q What was L. D. Daniels doing there, do you know? A No, sir, I hardly ever saw him doing anything that I know of.

Commissioner: You say you came to Fort Gibson in '66? A Yes, sir.

Q How long was that after you came back from Fort Gibson that you commenced getting ties? A I can't tell exactly how long it was, I don't think it was very long, as near as I can remember things.

Q I think you answered Mr. Watings that it was about a year? A No I told him I didn't know whether it was a year or less than a year, I can't tell exactly.

Q You know it wasn't more than a year after you came in to Fort Gibson for the time you came from Kansas, the first time you came to Fort Gibson, you don't think it was more than a year before you commenced making ties for the M.K.& T. railroad? A I don't think it was, if my memory is right, I don't think it was.

Q Was that after you got to making ties there that you got acquainted with your wife? A Yes, sir.

Q You don't remember about what year the M.K.& T. railroad was built, do you? A No, sir, I can't tell you.

L. D. Daniels, being duly sworn and examined by Commissioner McAlester, testified as follows.

Q What is your name? A L. D. Daniels.

Q What is your age? A 68.

Q Your post office? A Tiger.

Q Are you a recognized freedman of the Cherokee nation? A Yes, sir

Q Do you know the applicant, Samuel Beck? A Yes, sir.

Q How long have you known him? A I have been knowing him about 20 years.

A Did you know his father and mother before the war between the north and south?

A No, sir, I knew his father and mother there at Gibson.

Q His father and mother slaves? A I suppose that they were, they said so they were.

Q Do you know whether Samuel Beck went off of the Cherokee Nation during the war or before? A Yes, sir.

A How do you know he went out? A I know it because I saw him

with the regiment down there to Fort Smith.

Q Was he a soldier? A I think he was, there was a regiment camped there and he was in that regiment.

Q Well, do you know when he returned to the Cherokee Nation?

A Yes, sir, I do.

Q When? A He was there in '66.

Q Did you see him here in '66? A Yes, sir.

Q Did you know him? A I knew him, been knowing him ever since.

Q You knew his father and mother, did you? A Yes, sir.

Q Was he living with his father and mother when you first knew him? A Yes, sir, he was there at Fort Gibson, they were living about a mile and a half, I guess, from Fort Gibson.

Q You know his wife, Mary Meigs? A Mary Meigs? yes, sir.

Q Was she a slave? A Well, I suppose she was, I don't know that of my own personal knowledge, I have been acquainted with Mary for 25 years.

Q Do you know where Mary was in the year 1866? A No, sir.

Q The first time you knew her then was after that? A Yes, sir, I moved up here in '75 and I found her here on Big Creek with old man Sam Meigs, his daughter.

Q Do you know what Samuel Beck followed after the war when you first saw him in '66? A Yes, sir, he and him cut cord wood for a white man by the name of Madden, at Fort Gibson.

Q This Sam? A (Prompted by applicant) Well, Nels.

Q You never cut cord wood with Sam? A No, sir, that is the one that went to the army what I found in Fort Smith.

Q You know then what Sam done after the war, what work? A He just done like the other free darkies in Gibson, worked one day and walked around two or three, he stayed around Gibson during a good while

Q You don't know where he went to after he left Gibson? A He stayed there, I don't know but what I moved up here before Sam left Gibson, I am not sure about that, he might have moved up here after I did, I moved up here in this district in '75, and I found this fellow here in the spring or summer here at his sister's.

Q You are certain you saw him at Fort Gibson in '66? A Yes, sir.

Mr. Hastings: What time of the year was it? A In the fall.

Q You saw all of them in the spring? A No, I saw some in the fall and some in the spring and some in the winter.

Q You saw him in the fall now? A Yes, sir, that is according to my knowledge and I believe my knowledge is right.

Q Of '66? A Yes, sir.

Q Where was his father and mother living at that time? A When he came, they were living out about a mile and a half, probably half a mile or a mile from the cemetery.

Q What was his father's name? A Sim Beck.

Q What was his mother's name? A I can't think of his mother's name now, I knew the old lady good as anybody.

Q Good young living out there then? A Yes, I seen them before that.

Q What was this man's father and mother? A That is what I called them to be, they were all Negro, there were a good many people there, Sim Beck and his Beck's wife, I always taken him to be the father of all the boys.

Q There were a number of the boys, were there? A Yes, sir, there were plenty of them.

Q Where did you see this boy, in town or out of a g fathing'o?

A I seen him right in town and several places, in town and out to the old man's and around there to Gibson.

Q You don't remember what he was following then? A No, sir, I seen the old man.

Q You don't know what he was following? A As I told you a while ago, he followed the way that other free negroes could have did, number one day and walked around the other.

Sam Beck - 7.

Q You saw him, you say, according to your recollection, up to about a year before you left in '74? A He might have left before I did and I might have left before he did.

Q You saw him around in Fort Gibson six or eight years?

A I didn't say that, I left there in '74, I didn't follow him up all the time.

Q That would be nine years? A Yes, I left Fort Gibson in '75, the 4th of December, and moved up on Verdigris, got there on the 11th day where I stopped, and I am satisfied I seen this man in person before I moved from there and been seeing him frequently.

Q Was he right around down there during the time you first saw him after the war up to the time you moved? A No, I seen him once or twice I believe in Muskogee.

Q In Muskogee? A Yes.

Q But what I am trying to get you to confine yourself to, is how often you saw him around Fort Gibson in the mean time? A I seen him there several times, there is no man can say to be positive, and say I saw him six times or seven times 55 years ago.

Q You are positive though about when you first saw him? A I saw him there in '66, yes sir.

Q Yet you never had seen him before the war? A No.

Q Yet you are positive you saw him there then? A Yes, I do, because he was a Beck like the others was.

Q Wasn't there a great many Becks there? A Yes, sir.

Q Why can't you follow his ~~[illegible]~~ whereabouts for the next succeeding five years; if you saw him in '66 and '7 and '8, why can't you testify you saw him all these years? A I didn't say I saw him all of them times, I saw him here in '66, and I actually believe I seen him there other times after that, I know I did, but every time to say the time when and say when that was, I am not going to do it because I can't be positive.

Q You had his cutting card mixed with your while ago? A That was his brother.

Q He corrected you? A Yes, sir, he said that was Sam, and I don't believe you will know them apart if you look at them good.

Q You don't know who he was living with in Fort Gibson? A No, sir, the negroes just lived with everybody while we could get work, we were drawing rations.

Q Your recollection isn't good about who he stayed with?

A Yes it is, he stayed around here there with me, and we stayed with anybody we wanted to.

Q Do you know anybody? A Yes he stayed with L. B. a while.

Q How long did he stay there? A He stayed one night, and then we would fix tricks and go off.

Q What house did you stay at? A Will Brown.

Q Just one night? A No, several nights.

Q How long did you stay there altogether? A I stayed there one, two one night and sometimes maybe it would be three or four days before we would stay there together again.

Q You stayed one night together? A Yes, sir, we had a good time there.

Q Did you work with him? A I wasn't ready to work then I guess he stay around work.

Q Did he ever work with you in cornfield? A I don't know exactly what he did.

Q Are you positive about it? A I am for certain, I believe he did, because lots of them darkies worked with me.

[illegible] I will [illegible] that I was there and [illegible] of them there and [illegible] and I had to [illegible] and [illegible] I would give you [illegible].

Q Are you [illegible] relative? A I am [illegible] relative [illegible].

Q What year did you issue rations? A From October, '65 to October, '67, and that is why I had to know how many was in the family.

Mr. Hastings: Have you got any record or memorandum of all these people? A I did.

Q Have you got it not with you? A No, I wish I had, I could make forty thousand dollars if I could get it now.

Luster Foreman, being duly sworn and examined by Commissioner Nesbles, testified as follows:

Q What is your name? A Luster Foreman.

Q What is your age? A About 58 or 60.

Q What is your post office address? A Vinita.

Q You are a Cherokee Freedman? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Q You know the applicant, Samuel Beck? A Yes, sir.

Q How long have you known him? A Been knowing him ever since the war, about '66.

Q Was he a slave? A I don't know that.

Q Do you know his father? A Yes, sir.

Q What was his father's name? A Jim Beck.

Q What was his mother's name? A I don't know.

Q Did you know Sam Beck here before the war between the United States and the Southern Confederacy? A No, sir, I just got acquainted with him in '66.

Q When did you first see Sam Beck after the war? A I saw him along about '66.

Q Where? A At Fort Gibson.

Q You in Fort Gibson in '66? A Been raised there all my life.

Q You saw Sam Beck there in '66? A Yes, sir.

Q Have you been acquainted with him since that time? A I saw him off and on ever since.

Q Always been in the Cherokee Nation since you seen him? A Every time I saw him he was in the Cherokee Nation.

Q You know his wife Mary? A No, sir.

Q Don't know anything about her then? A No, sir.

Q Know whether Sam went out of the Cherokee Nation during the war? A Yes, sir.

Mr. Hastings: Luster, you never knew him before the war?

A No, sir.

Q Were you married in '66? A No, sir.

Q Single fellow? A Yes, sir.

Q What were you doing in that year? A Doing very little.

Q Saw a lot of many people? A I saw everybody coming to Fort Gibson.

Q Saw them for two or three years afterwards? A Yes, sir. well that I know.

Q Where were you living from there about? A I didn't have any stationary home, but I lived with my mother and brothers, living right close to Long Shoulder.

Q Where was this fellow living when you first saw him? A His father was living out kind of the Cherokee, I think.

Q In town? A I don't know, it was hilly country.

Q Saw him from the southwest? A Along a little or two miles.

Q Did you see this boy at home? A I saw him down with his father, that is his father told me it was his boy.

Q What his name? A Sam.

Q Did bring his pa to see you there? A [illegible]

Q Do you know what he did there? A I saw him [illegible]

Q Do you know what? A I don't remember [illegible] and [illegible]

Q Do you know to his father, and I saw his [illegible]

Q Now Luster, that is 38 years ago, isn't it? A Yes, sir.
Q Now what makes you know it was in '66 and not '67 or '68; are you positive? A I know it wasn't in '67, I married in '67 when the cholera was there, and I know what I done in '66 because I helped arrest several parties that year.
Q You didn't arrest this man? A No, sir.
Q You didn't marry this man? A No, sir.
Q Now what has your marrying or your arresting people got to do with this man coming back? A It shows the dates and times, that I am not ignorant of the time of '66.
Q How much has he agreed to give you to testify for him? A He hasn't agreed to give me nothing.
Q He hasn't give you anything? A No, sir.
Q Did you ever see him living in town any? A No, sir, no more than living with his people, and his father; I am this way; all the citizens that ought to have a right I will contend for them and t hem that don't, I am fighting as hard as you are.
Q You never saw him in town living in Fort Gibson? A I seen him with his father is all I can say, that is with his folks.
Q Was that in the spring or summer or winter? A I think it was along in the latter part of the spring when I saw him.
Q Of '66? A Yes, sir.
Q That was out at his father's; you never saw him work in town any? A No, I never seen him work, I saw him w th his brother in and out like all the young folks would be.
Q When did you leave down there? A Been in Gibson all my life.
Q How long did he stay around in Gibson? A He wan't there when I r ved out.
Q When did you move out? A I moved out in 1899.
Q How how long before you moved out till you missed him down there? A He had gone way before I moved out of there.
Q Now about how long after you first saw him there after the war until you missed him from town in that section of the country?
A I disremember.
Q Did you see him there two year? A I seen him off and on, I don't know just exactly how long he did stay.
Q In fact, there is not a thing you can remember except the date of your first meeting him? A I can remember that and I can remember other dates, we met at parties, and log rollings and dances and other things like a young man would do.
Q Through about how many years after the war? A I didn't keep any time of the dates while he was there, but still I know what I have done in those times, and each year what taken place, but just how long he stayed in Fort Gibson I can't tell it a to my life.
Q You are unwilling to state whether he stayed there one year or ten years after the war, are you? A I [illegible], I didn't pay so much attention to it about how long he stayed, I know I had seen him there and been with him, in his company, lots of times, we would out on a circuit, and he would be with me, him and Bale.
Q If you were so familiar, it seems like you would know something about how long he stayed? A He was there on [illegible] and [illegible] I don't know anything about that.

[illegible]

[illegible] testified as follows:
[illegible] Have the only witnesses you will [illegible] A That is all.
[illegible] A [illegible]
[illegible] brother [illegible] he [illegible] and the [illegible]
Q What is his father's name? A Billy Beck.
Q Did you ever [illegible] A I can't tell, I was [illegible]
Q [illegible] A Yes, [illegible]

Sam Beck - 10.

paper.)

Commissioner: Applicant presents a certificate of marriage, certifying that he was married to one Mary Meigs in the Cherokee Nation, on the first day of October, 1878. Said marriage was performed by Rev. William Allen, Pastor of Big Creek Baptist Church.

Q You have lived with her continuously since you married her?

A Yes, sir.

Commissioner: Samuel Beck applies for the enrollment of himself and his wife Mary. He cannot be identified upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls. His wife, Mary, nee Meigs, is also duly identified upon the Kern-Clifton and Wallace rolls. He avers that he was the slave of Joseph Beck, that he was a United States soldier and returned to the Cherokee Nation in the year 1866. He makes satisfactory proof as to his marriage to one Mary Meigs in the year 1878. He avers that Mary Meigs is the daughter of Elizabeth Meigs, and Elizabeth Meigs is listed for enrollment on D card 381, and the testimony taken in the matter of the enrollment of the said Elizabeth Meigs will be made part of the record in the case at bar, and a copy thereof filed herewith as to the citizenship of the said Mary Meigs. For particulars as to citizenship of the said Samuel Beck, reference is made to the testimony. Said Samuel Beck and Mary Meigs will now be listed for enrollment as Cherokee Freedmen upon a doubtful card. Said Samuel Beck will be notified by mail of the decision of the Commission in the premises when arrived at.

Grace E. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Grace E. Jones

Sworn to and subscribed before me this the 27th of July, 1906.

[illegible]

Commissioner.

File with Cherokee Freedmen P-775, Muskogee Roll.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., October 26, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

Negro Mrs., being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southeast of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 50 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.

Q Have your people been any where before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth? A No, sir.

Q Do you know whether or not they owned her mother or anybody of that kind? A Elizabeth, no, sir.

Q Did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out? A They called her.

Q Was she living, alive, at the time the war broke out? A No, sir.

Q Did you ever know her by any other name than Betsy? A Never.

Q Were you Peter Meigs and his family at the commencement of the war? A I will tell you the truth as it came of the breaking out, we had to and all they came up there somewhere near the Delaware side of the transportation.

Q Did I tell you could look at that woman there and see if she is anything you know by sight or hearsay or anything you know by the claimant applicant? A Yes. I think that is the one. I have seen that her when.

Q What is about the name? A I was one for them to my life and the time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, I have.

Q Do you know that? A Knowing them.

Q Have the circumstances changed much since the war? A Yes, sir, they have gone down to nothing. I don't know what they are.

Q Do you know a generation and the so and so have a [illegible] with your testimony that is your working [illegible] [illegible] [illegible]

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a hime in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late: is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in I case 394, D-520, D-380, D-404, D-402, D-401, D-407, and D-778, and the sub-references.

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Bruce C. Jones, being duly sworn, says that as stenographer to the [illegible] in the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed to and subscribed before me this the 7th of November, 1921.

[illegible]

File with Cherokee Freedman

D-778, Samuel Beck.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir
Q What relation is George Meigs to Elizabeth Meigs? A Her son
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir..
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Jane, and Peter.
Q These were his children? A These were his children.
Q Will he bring his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and make part of the record in the case of her and part of the record in D-784, [illegible] D-783, D-816, [illegible], D-771.

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Brown: Then, being duly sworn, says that he stenographic to the [illegible] of the [illegible] and that he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this the 7th of December, 1901.

[illegible]

Supl.-C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
F.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the K. K. & T.?
A Well, I will tell you what I know about the railroad; the railroad came through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The Secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the K. K. & T. got the right-of-way, and then they authorized the calling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1871 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties had been cutting on down in the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

S. B. BURTON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A S. B. [illegible]
Q Where do you live? A At Fairland.
Q How long have you lived in the Indian Nation?
A I was born and raised here; never was out of country during my life.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. P. Shearer, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

(signed) A. P. Shearer

Sworn to and subscribed before me this 7th day of August, 1902.

(signed)
Stenographer.

Supl.-C.F.D.#775.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I.T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since, '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is the M, K. & T? A Well, I will tell you what I know about the railroad: The railroad came through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The Secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to built from the Kansas line to Fryer Creek and cobbed it. Mr. Martin was one I cobbed to, that was in 1870 that contract was made, I don't re ollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. HARRIMAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Harriman.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.
Q Where did you live before moving to Tahlequah? A Lived on Brush Mountain out of Cherokee Nation and Van Buren.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where did you living during the latter part of the Rebellion or

early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

MY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't/
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Nessen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Nessen

Subscribed and sworn to before me this February 27, 1902.

Commissioner.

Supl.-C.F.D.#775.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL in the matter of the enrollment of SAMUEL BECK, ET AL., as Cherokee Freedmen, introduced on part of applicant:

Appearances:
L. T. Brown, Agent for applicants;
Mr. Hastings, Cherokee Representative.

SAMUEL BECK, the applicant, sworn and examined, testified as follows: BY MR. BROWN:

Q State your name? A Samuel Beck.
Q What is your post office address? A Bartlesville.
Q Are you the applicant in this case? A Yes, sir.
Q Were you a soldier in the Civil war? A Yes, sir; I was.
Q When were you discharged? A Well, I don't know exactly myself when I was discharged.
Q How long was it from the time you were discharged until you returned to the Cherokee Nation? A Well, I came right on there when I was discharged, back to the Nation.
Q Well, now, was it in the same year? A Yes, sir, same year.
Q How long did you continue to remain in the Cherokee Nation before you went out of the Cherokee Nation again after you first returned in the year you were discharged? A I was in the Nation I guess off and on about a couple of years, as near as I could remember.
Q Then when you went away how long did you stay? A I guess between four, six months, somewhere along there.
Q And have you lived in the Cherokee Nation ever since then?
A Yep, sir.
Q Is this your discharge (paper shown witness)? A Yes, sir.

Commission: There is offered in evidence by the Agent of the applicant a certificate of service showing that Samuel Beck was discharged on the 11th day of August, 1865, from cook of the Second Battery Kansas Artillery.

MR. HASTINGS:
Q You were discharged at Fort Leavenworth, Kansas? A Yes, sir.
Q Do you know whether it was in April or May or December?
A It was if I can remember it was in August.
Q You just now hear it read didn't you? A ? A No, sir, I know it was in August because my discharge paper, I was packing it in my pocket book and it was so worn that weather that I got it all torn up.
Q Where did you come to in the Cherokee Nation? A I came to my father's, Fort Gibson.
Q Did you make a crop there? A No, sir.
Q What did you do? A I didn't do much of anything at that time, was sick.
Q When you went back to Kansas where did you go?
A I went to Scott.
Q Back South? A Yes, sir.
Q Did you marry up there? A No, sir.
Q Where did you marry? A Married on Lightning Creek.
Q Well, when you went back from Fort Scott, where did you come? A I came back to Gibson, part of the time.
Q Well when you first came back [illegible] right A Came back to Gibson.

Q Straight to Gibson? A Yes, sir.
Q Who with? A Me, with a man called Foster.
Q What is his name? A Solomon.
Q In a Wagon? A In a Hack.
Q Where did you leave the train? A Wasn't any train.
Q Who did you live with there at Fort Gibson?
A Didn't live with anybody particular, I first stayed with my father and my Aunt Cindy.
Q MR. BROWN:
Q Is your father living or dead? A Dead .

LUCY HICK, being duly sworn, testified as follows on part of applicants:

MR. BROWN:
Q State your name? A Lucy Beck or Lucy Hill, my husband's name was Hill, Beck was my father's name and my owners' name.
Q what is your age? A I don't know just how old I am, I guess up about 50 odd years, I was born before the war.
Q What is your post office address? A Nowata.
Q Do you know the applicant, Samuel Beck? A Yes, sir, my brother.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir; I guess I am.
Q Is your name upon the authenticated roll of 1880,
A Yes, sir, it ought to be.
Q To whom did Samuel Beck belong at the beginning of the war?
A Joe Beck.
Q Did you go out of the country during the war? A Yes, sir.
Q Where? A Texas.
Q When did you return to the Cherokee Nation after the war?
A In '66. With Johnson Thompson, Gus Buffington, Jerry Fields and Bill Beck and I could not tell who.
Q How soon after your return in '66 was it that you saw your brother, Samuel Beck? A Just right here after I got to Gibson.
Q You mean Fort Gibson? A Yes, sir, Fort Gibson.
Q You saw him during that year did you? A Yes, sir; seen him the day we got there at Grand river, my father and all of them was there.

MR. HASTINGS:
Q What time did you get back? A Fort Gibson?
Q Yes? A In '66.
Q In April? A No, sir, it was in the summer.
Q Summer? A Yes, sir, summer of '66. When I come from Texas.
Q What year is this? A I don't know, sir, I can't read or write.
Q What year did they make this last payment? A This Dixon payment?
Q Yes? A I don't know.
Q What year did Wallace pay out the money? A I don't know what year that was either.
Q What year were you married? A I don't know what year that was; I never kept an account.
Q Do you know any year when any one of your children was born?
A Yes, sir, I know when all of them was born.
Q What year was any one of your children born? A I don't know, I can't read or write.
Q You don't know anything about years? A No, sir.

MR. BROWN:
Q You are on the Dawes roll? A Yes, sir.

J. O. Reasen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Reasen

Subscribed and sworn to before me this March 5, 1902.

Commissioner.

Cherokee Freedmen D-775.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Samuel Beck et al., as Cherokee Freedmen.

APPEARANCES:
Applicant is represented by Beverly & Givens.
Cherokee Nation by its representative, W. W. Hastings.

AARON WHITMIRE, being first duly sworn, testified as follows:

BY MR. BUTTE:
Q State your name and postoffice? A Aaron Whitmire, Coodys Bluff.
Q Are you known by any other name? A Wright some folks call me.
Q What is your age? A 68 or 69.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you on the Freedmen Roll? A Yes sir.
Q Did you leave the Territory during the war? A Yes sir.
Q Where did you go? A Fort Scott.
Q What state? A Kansas.
Q When did you return to the Indian Territory? A In '66.
Q Is your claim to citizenship in the Cherokee Nation based on your return to the Territory in '66? A Yes sir.
Q And you have been recognized as a citizen of the Nation? A Yes sir.
Q Do you know Sam Beck? A Yes sir I know him.
Q How long have you know him? A I have know him ever since the war.
Q Did you know him before the war? A No sir.
Q Where did you first become acquainted with Sam? A Fort Scott, Kansas.
Q In what year was that? A In '64 or '65.
Q And you have known him ever since? A Yes sir, I have known him ever since that time.
Q Did you know Sam Beck in 1866? A Yes sir I knowed him then.
Q Did you see him frequently in '66? A Not very I seen him once in a while in '66.
Q Where did you see Sam Beck in '66? A Fort Scott, Kansas.
Q Where else did you see him in '66? A I didn't see him anywhere else except here at Fort Gibson.
Q Fort Gibson, Indian Territory? A Yes sir.
Q Did he return to Fort Gibson, Indian Territory, when you returned? A Yes sir.
Q Not [illegible] at the same time? A They sir came right along with me.
Q Made the trip together? A Yes sir, made the trip down together.
Q And you both settled at Fort Gibson, Indian Territory? A Really.
Q Where did you settle? A I stayed on Bull Creek.
Q How far from Fort Gibson? A I don't know just exactly 70 or 80 miles.
Q Where did Sam Beck settle? A He didn't settle anywhere right then he stopped at Fort Gibson.
Q You met him at Fort Gibson last? A Yes sir.
Q Have you made Sam Beck at the time [illegible]? A Yes sir.

Q Tell us when you saw Sam Beck since '66 as well as you remember?
A I saw him at different times since that, I couldn't tell you what time it was every time, I saw him again three or four years after that.
Q Then at intervals up to the present time? A Yes sir.
Q Are you sure that Sam Beck, who makes application today for enrollment is the same Sam Beck you knew at Fort Gibson in '66?
A Yes sir I am sure this is the same Sam Beck.
Q Do you know whether or not Sam Beck has resided continuously in the Territory since 1866? A No sir, I don't.
Q You don't know about that? A No sir.
Q Have you seen him at intervals in the Territory since 1866?
A Yes sir.
Q Where did you see Sam again, tell me some of the different places?
A I seen him on Big Creek and different places, I couldn't tell you where all.
Q You have seen him off and on since 1866 when you came from Fort Scott together? A Yes sir.
Q Do you know any of Sam Beck's kinsfolk? A Yes sir I know his brother.
Q What is his name? A Maryland Beck.
Q Is he a recognized citizen? A I don't know whether he is or not.
Q Did Maryland come back from Fort Scott, Kansas, with you and Sam Beck? A No sir.
Q Do you know any other members of Sam Beck's family? A Yes sir, I know several, another brother and sister I know.
Q Do you know where they live? A Yes sir, the brother lives on Caney, Coowoescoowee District somewhere near Bartlesville.

BY MR. HASTINGS:
Q When did you leave Fort Scott, Kansas, with Sam Beck after the war, what time of the year? A It was along in November or December, I don't just recollect it.
Q It was late in the year was it? A Yes sir.
Q How did you travel to Fort Gibson? A We had wagons.
Q Who come along with you? A Several different parties I can't recollect all of them.
Q Can't you tell some of them? A Some of them I wasn't acquainted with, there was Ransom Daniels was one.
Q Is he alive? A Yes sir, Solomon Foster is another.
Q Is he alive? A Yes sir he is dead.
Q The next one? A The others were Creeks and Choctaws.
Q You don't remember their names? A I remember Cal ----
Q Do you know whether he is alive or not? A No sir, I don't know.
Q Have you seen the applicant, Sam Beck, frequently in Fort Scott before you come down with him? A Yes sir.
Q What was he doing there? A Doing first one little thing then another, couldn't say positive.
Q You had never known him before the war? A No sir.
Q And you have got acquainted with him since the war? A Yes sir
Q Was he married when you first knew him? A No sir.
Q Did he marry at all in Kansas? A Not that I know of.
Q Did he have a wife when he came with your crowd? A No sir he was along with Foster, his brother-in-law.
Q And he had been living at Fort Scott, Kansas, before that? A Yes sir he had been there, I don't know whether he lived there or not.
Q How long had you known him intimately before you came here?
A It was along somewhere in the summer before we came.

Q And you saw him frequently after that? A Yes sir.
Q Do you know who he lived with up there? A I guess with his brother Maryland.
Q Was Maryland living there? A Yes sir.
Q And you left him in Fort Scott, Kansas, did you? A Yes sir, left Maryland there.
Q Did you go back to Fort Scott after you had been here on that trip? A Yes sir.
Q Did you find Maryland there when you went back? A Yes sir.
Q What time did you go back up there? A I went back it must have have been the same month I come down in.
Q Then you come the next spring as you have testified in other cases? A Yes sir.
Q Did you leave Maryland up there when you come the next spring?
A Yes sir.
Q He was still there? A Yes sir.
Q So far as you know this Sam hadn't been here before that time?
A No sir I don't know of his coming down before that, and he hadn't said anything of having been here.
Q Nothing he said coming on that trip would indicate that he had ever been here before that time? A No sir nothing that I know of.
Q How old was he? A I couldn't just tell you how old Sam was, he was a young fellow.
Q Single? A Yes sir.
Q How long did you stay at Fort Gibson? A A week.
Q Sam left you there did he? A I left Sam there.
Q You parted at Fort Gibson? A Yes sir we parted there.
Q You separated there? A Yes sir.
Q You don't know what become of Sam? A No sir.
Q You never saw him for three or four years after that? A No sir.
Q You don't know whether he went back to Kansas or not? A No sir.
Q You never saw him in the Cherokee Nation for three or four years after that? A No sir.
Q If Pomp Thompson states that Sam Rock was down there at Fort Gibson all the spring and summer of '66 he is mistaken is he?
A I couldn't answer that.
Mr. Wotte: We object to that.
By the Commission: Objection noted.
Q Didn't you see him in Fort Scott, Kansas? A No sir Maryland I was talking about.
Q Didn't you say that Sam Rock came down here with you in November or December 1866? A Yes sir.
Q The balance of the year, before that in the spring of that year Sam Rock was in Fort Scott, Kansas wasn't he? A Yes sir he was in Fort Scott, Kansas, then.
Q If Ben Grimmett testifies that this Sam Rock was down here in Fort Gibson in the spring, summer and fall of '66 he is mistaken is he not? A Yes sir.
By Mr. Wotte: Objected to on the ground that it does not appear to the court that Grimmett ever made such a statement.
By the Commission: Objection noted.
Q If Jessie Rock states that Sam Rock came down from Kansas with his brother-in-law, Solomon Foster, in the spring of '66, she is mistaken is she not? A Yes sir on it the date.
Q If Pomp Hill states that Sam Rock was in Fort Gibson in the spring of '66 she is mistaken isn't she? A Yes sir.
Q If George Crawford states that Sam Rock was in Fort Gibson during the spring and summer of '66 he is mistaken isn't he? A Yes sir

Q You don't know of your own knowledge what became of Sam Beck after you separated in Fort Gibson for some three or four years?
A No sir.
Q
BY MR. BUTTE:
Q If Pomp Thompson states as follows: "The next time I saw Samuel Beck was in the spring or fall of '66, I can't state the exact date he come back to Fort Gibson after the war, but I do know that in conversation with different parties it was remarked that Sam Beck got back to the Territory within the period of time allotted to freedmen to get back to the Territory," Is that so or not so to your knowledge? A I don't know whether it is or not.
Q Is the statement correct that Sam Beck got back either in the spring or fall of 1866? A He come in the fall or winter of '66.
Q If Ben Grimmett states as he does in his affidavit that he saw Samuel Beck during the winter of '66 could that be true? A He might have seen him in the winter.
Q Of 1866? A Yes sir it was in the winter when he come down with me, winter or late in the fall.
Q If Frank Vann states on oath that he saw Sam Beck in and around Fort Gibson at different times during the winter of '66 and says "I am quite sure that Beck was in and around Fort Gibson during the winter months of 1866," is that consistent with your statement? A He was there but I don't know how long, I left him at Fort Gibson.
Q In 1866? A Yes sir.
Q And it was possible for these other people to have seen him?
A Of course they might have seen him, I couldn't say just the date cause I don't know it.
Q George Crosland states in his affidavit that he saw Sam Beck at Fort Gibson in the fall or spring of '66, and that he was in the vicinity of Fort Gibson when the cholera broke out there in 1867, is that statement consistent with yours that you returned in 1866, is it possible that he saw him in the fall of 1866?
A When he ask me if I know whether Crosland saw Sam Beck in the fall of '66 or not, I don't know whether he did or not, I know I saw him, I don't know about Crosland, whether he saw him or not.

BY THE COMMISSION:
Q You had seen Sam Beck in Fort Scott had you before you came down here? A Yes sir, I had seen him there.
Q You think that he remained up in Fort Scott until along in the early part of the winter of '66, is that what you want to testify to? A Yes sir.
Q And then he came down to Fort Gibson? A Yes sir.
Q You think that was the first time he was at Fort Gibson after the war? A It was the first time to my knowledge.
Q You understood did you at that time that that was his first trip? A Yes sir.
Q You say you don't know what became of him after he got to Fort Gibson for some three or four years? A No sir.
Q Where did you live during the three or four years following '66?
A Out on the Verdigris.
Q How far from Fort Gibson? A 70 or 80 miles, I guess.

BY MR. BUTTE:
Q Are you a citizen of the Cherokee nation on the Freedman roll?
A Yes sir.

Q How did you prove before the Commission that you returned to the Territory on the same trip that you made with Sam Rock? A I proved it by witnesses.

Q People that were along with you on the trip? A It was not people that were along with me.

This case was here continued until November 15, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 9th day of December, 1904

Charles H Samson

Notary Public.

JOR

Cherokee ND-778

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. July 25, 1904.

In the matter of the application for the enrollment of Samuel Beck, his wife, Mary Beck, and daughter , Luquettie Beck, Cherokee Freedman.

MARY BECK, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Mary Beck.
Q How old are you ? A I don't know
Q About how old do you think you are? A I guess about 45.
Q What is your post office? A Bartlesville.
Q You claim to be a Cherokee freedman? A Yes sir.
Q Have you got a daughter named Luquettie? A Yes sir, I have.
Q How old is she? A She will be eighteen the 14th day of October.
Q What year was she born? A That I can't tell.
Q How do you know whether she will be 18 or 19 or 17? A Because I got it put down at home, she can read and I can't and she can go to it and tell me; her age is put down.
Q What have you got put down there? A Her age.
Q The time when she was born? A Yes sir.
Q When was that? A I can't tell you now.
Q How do you know she will be 18? A Just what I tell you.
Q Do you know whether she will be 18 or 17? A She was 17, she will be 18 in October.
Q How do you know she will not be 19? A I go by that record.
Q What have you got down? A When she was born.
Q When was that? A I can't remember. I know by her looking over the record and her telling me, that is what I go by.
Q When did she tell you that? A Just before I came; I couldn't tell you just what day it was, it hasn't been long.
Q Has it been ten years? A About a month ago.
Q Did she tell you then when she was born or did she just tell you she would be 18 in October? A She looked over her age and told me she would be 18 in October.
Q Who put that down there? Who made the record? A I disremember who did.
Q When was it put down? A At the time she was born.
Q You don't remember who made the record? A I don't remember who did put it down.
Q All you know about your daughter's age is that you got somebody, you don't remember who, to put down the date of her birth at the time she was born and she looked at that record and told you she would be 18 on the 14th day of October next is it? A Yes sir.

Mary B. Risser, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony in his case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Mary B Risser

Subscribed and sworn to before me
this August 9, 1904.

Samuel Forman
Notary Public.

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Cherokee Freedmen-D-775.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. November 15, 1904.

Supplemental proceedings had in the matter of the application of Samuel Beck et al. for enrollment as Cherokee Freedmen.

It appears that on October 14, 1904 the applicants, their attorneys, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission, at its offices in Muskogee, Indian Territory, on November 15, 1904, and introduce such testimony as they might desire in this case.

:A P P E A R A N C E S:

Applicants represented by attorneys, Lovely & Givens.

Cherokee Nation represented by its attorney, W. W. Hastings.

Sank Vann, being first duly sworn, testified as follows:

BY MR. LOVELY:

Q. What is your name. A. Sank Vann.
Q. What is your post office address. A. Fort Gibson.
Q. How old are you. A. About 50.
Q. Are you a Cherokee citizen. A. Yes sir.
Q. Are you on the Freedmen roll. A. Yes sir.
Q. Do you know Samuel Beck. A. Yes sir.
Q. How long have you been knowing Samuel Beck. A. Ever since during the war.
Q. Where did you know him. A. At Fort Gibson.
Q. Did you see him during the war you say at Fort Gibson. A. Yes sir, I was that there during the war.
Q. Did you see him after the war. A. Yes sir.
Q. How soon after the war. A. Saw him there in '66 after which.
Q. Did you see him in 1867. A. Yes sir.
Q. About the [illegible] of the year was it that you saw him there in [illegible]
A. Along in the spring, as well as I remember.
Q. Was he there and on through that year. A. Yes sir he was at his father's.
Q. Did his father live at Fort Gibson. A. Yes sir.
Q. You saw him in 1868 also. A. Yes sir.
Q. Was the [illegible] broke up there. A. Yes sir.
Q. How long did the refugees [illegible] Fort Gibson, [illegible]
after the war, [illegible] A. [illegible]

there during the year 1866. I do not know when he left exactly.

Q. You say you saw Sam Beck at Fort Gibson in 1866. How do you know it was the year 1866. A. It was the same year we came from Kansas ourselves, and we come in 1866.

Q. Did you return in time to be recognized as a Cherokee Freedman A. Yes sir.

Q. In 1866. A. Yes sir.

BY MR. HASTINGS:

Q. How old were you at that time. A. I do not know-- about 15 years old.

Q. You are about 50 years old now. A. Yes sir.

Q. What time did you come back. A. We landed right on the other side of Grand River, where that bridge is in Gibson, in January, '66.

Q. Was Sam Beck there at that time. A. No sir, not right there.

Q. Was he at Fort Gibson. A. He was over at his father's when we come on the other side of the River, and rented Nash's farm.

Q. When was that. A. Same year--'66.

Q. What time of the year. A. In the spring.

Q. Do you remember the month. A. Along in January.

Q. Of 1866. A. Yes sir.

Q. What makes you remember Sam was there. A. Because I knew his people and saw him there and knew him.

Q. You did not know him before the war. A. No sir.

Q. Where did his father live at that time. A. He lived right back of the garrison.

Q. Did he live in town. A. No sir, not right in town. Just back of the garrison.

Q. When you first saw him. A. Yes sir.

Q. On whose place. A. On the Government Reserve, I reckon they call it.

Q. How long did you continue to know Sam there. A. I saw him there pretty often during that year in Gibson.

Q. Did his father continue to live in that same place. A. Yes sir, all right there.

Q. Sam had never been out of the country. A. I do not know.

Q. He never went out in the year 1866. A. I do not know.

Q. If you continued to see him there why did not you know. A. I said I saw him often and on.

Q. You do not know how long you saw him. A. No sir. I saw him in '66 and '7.

Q. That has been 37 years ago. Why do you remember these particular years he was there. A. I knew he was there during the cholera, and that was in '67

Q. And Sam Beck was there. A. Yes sir.

Q. What time of the year of 1867 did the cholera break out. A. Along about August.

Q. That is the reason why you remember him then was because of that cholera. A. Yes sir.

Q. And that is the only thing you fix the date by. A. Yes sir.

Q. If it had not been for the cholera you would not remember any other date to fix it by. A. No sir, I couldn't.

Q. Then you are not positive of having seen him there only during the year of the cholera. A. I saw him there the year we came from Kansas.

Q. Why do you remember seeing him that year. A. We came from Kansas.

Q. But you do not remember how long after you come that you saw him. A. It was not very long.
Q. Why do you fix that date---you say you remember him by the cholera. A. I fix this other date because we come from Kansas that year.
Q. You had never known him before the war. A. I knew him during the war.
Q. Where did you know him during the war. A. There in Gibson.
Q. What year. A. I do not know exactly whatyear I knew him before we went to Kansas.
Q. What year did you go to Kansas. A. I do not know.
Q. What is it that makes you remember the year you came back, and you do not remember when you went away. A. I know when we come back.
Q. Why did not you know when you went away. A. I do not know.
Q. Is there any special circumstance that makes you remember seeing this boy after you come back. A. I have told you all I know about it--about the way I place the date.
Q. You do not place it definitely until the year of the cholera, which was the next year. Did Sam have the Cholera. A. I do not know it if he did.
Q. Why do you associate him with the cholera. A. Because he was there.
Q. Wasn't there other people there during the cholera. A. Yes sir, and Sam was too.
Q. He is no relation of yours. A. Not a bit.
Q. Did he ever go back to Kansas after that. A. I do not know
Q. How long was it till you saw him after a1867. A. I do not remember seeing him after 1867.
Q. For how many years. A. It was a good while
Q. About how many years. A. I actually do not know.
Q. As much as ten years. A. No sir, a good while, though.
Q. But you can not fix any definite number of years. A. No sir.
Q. Was Sam Beck's mother living when you saw him there at the first of the war. A. I did not know his mother. I knew his stepmother. She was alive.
Q. What was her name. A. Jennie.
Q. Was his father and stepmother living together then. A. Yes sir.
Q. When you first come back. A. Yes sir.
Q. Were they living back of the garrison at that time. A. Yes sir.
Q. They lived together till she died. A. She isn't dead yet.
Q. When did his father die. A. I think about three years ago---maybe longer.
Q. There is no special event that happened in the year of 1866 other than that coming back that you remember of seeing him. A. That is all.
Q. And you remember that he was there when the cholera broke out. A. Yes sir.
Q. Was he married at that time. A. No sir.
Q. When did he marry. A. I do not know.
Q. When did you first know of his being married. A. I do not know it now.
Q. You never saw his wife and family. A. Not that I know of.

By Mr. Byrne:
Q. You say you are recognized as a Cherokee citizen. A. Yes sir.
Q. The Commission has accepted your statement as correct that you returned in 1866. A. Yes sir. Already filed on my land.

Q. And you know it was during that year that you saw Sam Beck.
A. Yes sir.
Q. And you also know that he was at Fort Gibson in 1867 during the time the cholera broke out. A. Yes sir.
Q. It is easy enough to fix a year back from 1867 to connect your first knowledge of Sam with that event/ A . Yes sir.

WITNESS EXCUSED.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 15th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

H M Vance

Subscribed and sworn to before me this the 21 day of December, 1904.

Charles N. Lawyer
Notary Public.

Cherokee Freedmen D 775.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY BECK as a Cherokee freedman.

Answer to Motion to Review.

The record shows that the applicant, Mary Beck, is the wife of Samuel Beck, for whom application was made on the 20th day of June, 1901. On April 27, 1905, judgment was rendered denying the application of Mary Beck by the Commission to the Five Civilized Tribes and this action was affirmed on June 25, 1906, by the Secretary of the Interior. This motion is a motion for review and is not one based upon newly discovered evidence asking that the case be remanded because of newly discovered evidence, and therefore no affidavits are attached. The record shows that Mary Beck was 40 years of age when application was made for her enrollment and the testimony shows that she was born before the War and was, therefore, a slave. The argument in behalf of the motion to review is based upon two grounds: the first being that Mary Beck return prior to February 11, 1867. As to this contention we desire to say that the testimony we think in this case conclusively shows that the Webbers, Sanders and Whitmires did not come to the Cherokee Nation until about the first of March, 1867. The Commission to the Five Civilized Tribes and the Secretary of the Interior have decided this in a number of cases. We have had occasion to go into the testimony as to the return of these several big families with whom these several applicants claim to have returned, and the Department is by this time certainly convinced as to the date of their return. In the case of Lucile Sneden, the Department on June 22, 1906, affirmed the decision of the Commission to the Five Civilized Tribes dated November 9, 1905, rejecting the applicant, and this same applicant returned with her father, George Haigh, who returned at the same time the present applicant Mary Beck claims to have returned. The date of the return of these families was also gone into in the case of Daniel Whitmire, D. D. 604,

and the Department on June 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes dated November 5, 1904, rejecting the applicant Daniel Whitmire. There are any number of cases wherein the Commission to the Five Civilized Tribes has found that these applicants returned with their families too late to be enrolled as freedmen citizens of the Cherokee Nation, to-wit: about the first of March, 1867. Reference is made in the argument in support of the motion for review to the testimony of Reuben Sanders who swears that these parties returned shortly after Christmas, but still he swears that their wagons were searched for Eli Mackey who had previously killed Dyer Hayford, upon that trip, and the testimony conclusively shows that Eli Mackey was caught within a few minutes upon the evening after Dyer Hayford was killed and before any one knew it and lodged in jail, but that he struck down the turnkey and got out of jail about the 27th of February and was not apprehended until about the 20th of March, and that during that time rewards were offered and the country was secured in search of him. Therefore, it is very clear that it was after that time that they were searching for Eli Mackey and certainly after February 27, 1867.

By referring to the testimony of Robert Meigs we see that these applicants originally belonged to his family, and that, as was natural, the head of the family came down to see he and his brother John the year 1871 and told them that he had brought his family down too late after the War to entitle them to be enrolled as freedmen citizens of the Cherokee Nation.

By reference to the testimony filed in F. D. 618, being Edward Wright or Derrick, it will be seen that the Wrights or Whitmires, when they appeared before the Chambers court in 1872, stated to the Court that they did not return with their families until March of 1867, or too late to entitle them to enrollment under the treaty of 1866.

As to the return of the Webbers, in the case of Aaron Webber, F. D. 814, it was conclusively shown by a large number of witnesses that this family did not return until the Spring of 1867.

Therefore with reference to the people who returned first, and it is

conceded that the first three families that returned were the Whitmires, second, the Sanders, and third, the Webbers, and that none of them returned with their families until the spring of 1867.

This has been found, however, by the Commission to the Five Civilized Tribes and the Secretary of the Interior in a number of cases, and we do not deem it necessary to go into any lengthy detailed argument showing the date of the return of these people, but we insist that the testimony conclusively shows that the present applicant did not return until the spring of 1867.

The applicant herself was not a slave, born just before the beginning of the War. The 9th Article of the Treaty of 1866 makes no exception whatever in behalf of a minor and minors were required to return within the time prescribed by the Treaty the same as adults. The truth is at the date of the birth of this applicant she had no rights. If she acquired any at all she got them by virtue of her compliance with the 9th Article of the Treaty of 1866; she could not inherit any rights which her father did not have at the time of her birth; she was born a slave; her parents were slaves and this is a fact that should be borne in mind throughout this entire investigation. After the Civil War the treaty of 1866 was made, as is well known it was reluctantly made by the Cherokees; they were required to grant rights to their old slaves conditioned upon their return. They did not grant rights to adult slaves, but to all who returned, including both adults and minors, but the granting of the rights was conditioned upon their returning back to the Cherokee Nation. Congress took exactly the same view at the last session, because Section Three of the act of April 26, 1906, provides:

"... Upon roll of Cherokee freedmen shall include only such persons of African descent, either free colored persons or the slaves of Cherokee citizens, and their descendants who were actual, personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven;...."

In other words, they are required to be actual, personal, bona fide residents of the Cherokee Nation, and if as we contend, that applicant was not an actual personal, bona fide resident, then she should not be enrolled as a citizen of the Cherokee Nation.

The Assistant Attorney General on December 25, 1905 (13218-1905) rendered an opinion as to what effect the Act of June 28, 1898, requiring that a person be a bona fide resident of the Cherokee Nation at that time had upon minors, wherein he held:

"As to the second request, I am unable to see that any distinction is to be made between adults and minors who failed to locate permanently in the Nation. While minors who failed to locate are excepted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception in their favor has been made by any act of congress. The Act of June 28, 1898 (30 Stat. 493, 505) among other things provided that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed, and is similar in purpose and effect to the limitation considered by this office in the opinion of June 8, 1901 in cases of Nancy B. Smith and Lottie B. Adams. As nothing existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous:"

What is said of the Act of June 28, 1898, can also be said of the 9th Article of the Treaty of 1866; that provision was in the nature of "a limitation and a condition precedent to the right claimed." No rights accrued unless the previous slave returned to and located in the Cherokee Nation within the time prescribed by the Treaty of 1866 and Section 3 of the Act of April 26, 1906, prohibited a constructive return and required an actual, personal, physical return so that if, as contended by us, the applicant did not actually and physically return within the time prescribed by the Treaty, no exemption having been made in behalf of minors, then the applicant is not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Your attention is invited to the fact that on the 29th day of June, 1906, the same attorneys filed a motion for rehearing and review and this motion for rehearing and review was doubtless considered by the Department when it affirmed the decision of the Commissioner to the Five Civilized Tribes rejecting the applicant. We submit that the decision of the Department of the Interior is not against the law, nor is it against the evidence, but is in accordance with both the law and the evidence and that therefore the motion for review filed in this case on behalf of the applicant should be denied.

Respectfully submitted,

F-27-26

Attorney for the Cherokee Nation.

Copy

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF MARY BECK AS A CHEROKEE FREEDMAN.---------

------MOTION FOR REVIEW.--------

Comes now Mary Beck and moves the Honorable Secretary of the Interior for a Review of the Decision of the Department of June 25, 1906, in the matter of the application for her enrollment as a Cherokee Freedman for the reason that said decision is

Ist- Against the law,

2nd- Against the evidence,

Third- Against the law under the evidence.

WHEREFORE the premises considered, your petitioner prays for a Review of said decision and that she be ordered enrolled as a Cherokee Freedman.

ATTORNEYS FOR APPLICANT.

Indian Territory,

Western District:

Sam Beck, being duly sworn, on oath states that he is the Husband and representative of Mary Beck, that the above petition has been read to him and that the facts therein set forth are true to the best of his knowledge, information and belief.

Subscribed and sworn to before me this 24th day of August, 1906.

Notary Public.

My Commission expires _____

In the matter of the application :
for the enrollment of Mary Beck, as a :
Cherokee freedman. :

ARGUMENT ON MOTION FOR REVIEW

In support of the motion herein we set up the following reasons for reversing the decision in this case.

First: The evidence shows that Mary Beck did return to the Cherokee Nation prior to February 11, 1867.

Second: Being a minor in 1867 under the control of her father her actual personal bona fide and only domicile was the domicile of her father

We are unable to see upon what the Commission and the Department base their finding that Mary Beck returned to the Cherokee Nation in the latter part of February or in the month of March, 1867.

The testimony of all the witnesses for the applicant is clear that her father returned from the Cherokee Nation to Kansas in 1866 and took his family back with him to the Cherokee Nation during the latter part of December, 1866, and the early part of January, 1867.

Ruben Sanders swears that the return was made shortly after Christmas. He remembers it because of the excitement occasioned by a murder that took place at Fort Smith just at the time they were leaving. The Cherokee Nation attempts to impeach this testimony. But the evidence it introduces shows that the murder referred to did take place in the latter part of December, 1866. The Cherokee Nation contends that no law and order was enforced at the time because the murderer was caught immediately or shortly afterwards after the crime and conclusively that the only law and order that was enforced was enforced at the time the murderer broke jail, which was in the latter part of January. But the witness testified that the murder had just taken place at the time they left Fort Smith and everyone familiar with business here of the early days can say

the characteristics of their people knows that it would not take even five minutes for mounted posses to be out hunting for a murderer. The fact therefore that the murderer was quickly caught is no evidence that the moving Cherokees did not meet parties hunting for him on the day that the murder was committed. Such a far fetched inference is a rather weak basis upon which to discredit the positive testimony of a witness who has no interest in the case and who is clear and convincing in his statement.

Daniel Sanders is equally positive that the applicant returned early in January.

The testimony of these two is corroborated in every detail by several other persons equally familiar with the facts.

Against this positive testimony we have the hearsay evidence of Robert Meigs. Peter Meigs was dead and unable to contradict the witness. Such testimony should never have been admitted, is entitled to no weight and need not be further discussed.

Mrs. Hicks thinks that the applicant left Kansas in February or March. Then she states that she cannot swear whether it was before or after Christmas. When the matter of a few days earlier or later makes a vital difference to the case it is better that her positive statement that she could not say whether it was before or after Christmas should be taken as true, than that any weight should be given to her guess that the time was February or March. This is particularly true when we observe that the date of the death of her child in 1863 which she swore was written in the Bible a very short time after it occurred was in fact written in a Bible that was not published until 1869.

Her daughter Mrs. Sparks was ten or eleven years old in 1866 and 1867. Is it reasonable to suppose that the departure of a few wandering families from her neighborhood would so impress herself upon her memory that she could, almost forty years later, tell in just what month they left.

The evidence for the applicants is clear, positive and convincing. It is told by persons who participated in the events concerning which they have testified. The evidence against them is a series of inferences, suppositions and guesses made by people who probably know something about the matter but who had no reason to remember and who could not be expected to remember for a period of almost forty years the exact time of the happening of these events. And where a variance of a few days is vital the testimony of any of those people who know should be considered.

But whether Mary Beck returned in January or whether she returned in March is immaterial if we apply to the case the universal law of domicile of minors.

"An infant being nonsui juris is incapable of fixing his domicile, which, therefore, during his minority, follows that of the father, provided such child is legitimate." (Enc. Law and Prec.)

The same rule also applies to the lesser term "residence." But domicile is more than residence. Residence is a political status. Domicile implies physical presence. The child is in the eyes of the law actually and physically present at the domicile of the father. It is the physical presence that creates the domicile—the home.

The child was not a resident or citizen of Kansas. It had no domicile or residence apart from its father. Its father was domiciled in the Cherokee Nation and in the eye of the law the child was present, domiciled and resident with its father.

Respectfully submitted,

_____

I, W. W. Hastings, attorney for the Cherokee Nation, acknowledge service of the within motion for review and argument in the matter of the application for the enrollment of Mary Beck, as a Cherokee freedman.

_____

August 20th, 1926.

CHEROKEE NATION VS. SAM BECK, CHEROKEE FREEDMAN CASE D. 775.

MOTION OF DEFENDANT FOR RE-HEARING.

Comes now the defendant in the above styled and numbered cause and by his attorneys, Zevely & Givens, hereby petitions the Honorable Secretary of the Interior for a re-opening of the above case in order that further testimony may be introduced in his behalf. Defendant states that the decision of the Honorable Commission to the Five Civilized Tribes was adverse to his being admitted as a Cherokee citizen. The record and the said decision of the Honorable Commission were forwarded to Washington on or about the 17th day of August, 1903.

Defendant states that prior to the aforesaid decision of the Honorable Commission to the Five Civilized Tribes it was impossible for him to obtain sufficient evidence to establish the fact of his residence in the Indian Territory within the period of time prescribed by law, to the satisfaction of the Honorable Commission to the Five Civilized Tribes. Defendant therefore prays that his case be re-opened and that he be permitted the opportunity to produce before the Honorable Commission to the Five Civilized Tribes additional evidence. To substantiate the grounds for this motion, defendant attaches hereto affidavits of the following persons well known to be persons of good repute and entitled to credit;- Pump Thompson, Ben Grimmett, Shoe Vann, Jenny Beck, Aaron Wright, Lucy Will, and George Greenlin. Said affidavits are submitted to show that satisfactory evidence can be produced to the effect that Sam Beck was a resident in the Indian Territory in the spring of the year 1896. The parties making these affidavits know Sam Beck well and each of them testified to seeing him personally during the year 1896. None of the parties are related in any way to Sam Beck nor has any of them any interest in the prosecuting of his claim for enrollment upon the rolls of the Cherokee Nation as a Cherokee Freedman.

All of which is respectfully submitted in support of the

prayer above mentioned.

_____
Attorneys for Defendant.

_____

Service of the foregoing motion acknowledged this the _____ day of July, 1904.

_____
Attorney for the Cherokee Nation.

Cherokee Freedman _____

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Beck, a)
Cherokee Freedman, for citizenship as a member of)
the Cherokee Tribe.)

MOTION FOR REHEARING AND REVIEW.

Comes now the applicant, Mary Beck, by Zevely & Givens, her attorneys, and moves the Honorable Commissioner of Indian affairs for an order granting her a Rehearing and Review. In the above styled cause and for reason thereof, states:

That, subsequent to the taking of the testimony in this cause before the Honorable Commission to the Five Civilized Tribes, she has been advised of a decision of the Attorney General in the matter of the application of Russell Daniel and others, for citizenship in the Cherokee Nation, rendered May 9th, 1905:

That if permitted to do so by this Honorable Commission, she can obtain and introduce, in addition to the testimony already introduced, testimony to the effect that her absence and the absence of her parents, through whom she claims citizenship, from the Cherokee Nation was not due to any intention or desire on the part of her or her parents to remove her domicile or residence from the Cherokee Nation; that her absence and the absence of her parents from the Cherokee Nation was due to the unsettled, turbulent and lawless conditions existing in the territory during the War of the Rebellion and the abolition of slavery which followed; that in the Cherokee Nation negroes were exposed to great danger of violence and bodily injury from sympathizers in the southern cause and that it became necessary for her parents to temporarily remove from the Indian Territory to a more law-abiding community, and to there remain until they could safely return to their home in the Indian Territory; that her absence from the Indian Territory was caused by force and duress, and immediately upon the removal of such force and duress, she returned to the Cherokee Nation and has been continually present therein since that time.

Wherefore, she prays a rehearing and review of this cause that she may be permitted to introduce the above testimony and that her rights as a Cherokee citizen may be established, and for all further and proper relief.

Zeb Gibins
Attorneys for Applicant, Mary Beck

UNITED STATES OF AMERICA, :
INDIAN TERRITORY, : ss.
WESTERN DISTRICT. :

J W Zeb, being duly sworn, deposes and says that he is one of the attorneys in the above styled cause; that he read and is familiar with the matters and things set out in the foregoing motion for rehearing and review, and that same is made in good faith and not for purpose of delay.

J W Zeb

Subscribed and sworn to before me on this 29 of June, 1906.

W R Allen
Notary Public.

My commission expires Oct 7, 1906.

ACKNOWLEDGMENT OF SERVICE.

Service of copies of motion for rehearing and review in the above styled cause, and receipt of copy of same is hereby acknowledged on this _____ day of June, 1906.

_____
Attorney for Defendant.

F. D. 1/2

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT |

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

Proof of Service made
the original filed with the
DAWES COMMISS
FEB 15 190

NOTICE!

IN THE MATTER OF the application of Samuel Beck et al for enrollment as Cherokee Freedmen:

Case No. F. D. 775

T Samuel Beck et al Bartlesville I T

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

N. N. Hastings

Attorneys for the Cherokee Nation.

J.W. ZEVELY R.L.GORDON. J.H.GIVENS.
ZEVELY & GIVENS,
Attorneys at Law.
MUSKOGEE, IND.TER.

July 13, 1904.

Mr. W. W. Hastings,

Tahlequah, Indian Territory.

Dear Sir:

We beg to enclose you herewith a copy of a motion which we have prepared and desire to submit to the Honorable Secretary of the Interior.

Will you kindly acknowledge service upon the original and return to us at your earliest convenience.

Very truly yours,

Zevely and Givens.

GCB-C

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 564

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vanita, Indian Territory.

Gentlemen:

In the matter of the application of Samuel Beck for enrollment as a Cherokee freedman, the Commission's decision in which case, rejecting, among others, this applicant, was returned by the Department at the Commission's request, in order that additional testimony might be taken as to the rights of certain applicants embraced therein, you are advised that, at the request of Sevely & Givens, Muskogee, Indian Territory, attorneys for the applicant, the said Samuel Beck has this day been notified that he will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday September 23, 1904, and introduce the testimony of such witnesses as he may be able to procure in support of his application for enrollment as a Cherokee freedman.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that

offered by the applicant.

Respectfully,

Chairman.

Cherokee

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR, Cherokee Freedmen
COMMISSION TO THE FIVE CIVILIZED TRIBES. D-775.

Muskogee, Indian Territory, December 9, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 22, 1904, in the matter of the application for the enrollment of Samuel Beck, et al., as Cherokee freedmen.

Respectfully,

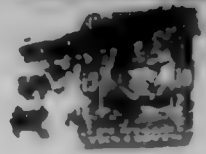
Chairman.

Incl. S-76.

DONOVAN & GRIESEL

ATTORNEYS-AT-LAW

MUSKOGEE IND TER



Cher. Fr. D. 776

Cher. Fr. D. 776

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901

In the matter of the application of Thomas Harrison for enrollment as a Cherokee Freedman.

Thomas Harrison, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas Glass.
Q How old are you? A They say I was born in 49.
Q You are 52 years old? A Yes, sir.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself; my wife has already enrolled; she is on the 1880 roll.
Q What is her name? A Minerva Harris now.
Q Is that her name now? A Yes, sir, I am living with her now.
Q How does your name happen to be Glass if she is named Harris?
A Glass is by my owners.
Q I didn't ask you about your owners; I asked you your name?
A My name is Tom Harrison.
Q Is your name on the roll of 1880? A No, sir.
Q It is not on any of the rolls of the Cherokee Nation? A No, sir.
Q Did you ever apply to the Cherokee authorities to have your name placed on the roll? A Yes, sir.
Q Did they refuse to put it in? A Yes, sir.
Q You say you applied to the Cherokee authorities? A Yes, sir.
Q Where at? A In Sequoyah district.
Q They refused to list you, did they? A Yes, sir.
Q Did you ever apply to the Kern-Clifton Court? A Yes, sir.
Q Did you get your name there? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A John Glass.
Q Was he a Cherokee citizen? A Yes, sir.
Q An Indian? A A Full blood Indian.
Q Where were you born? A In Flint.
Q Cherokee Nation? A Yes, sir, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war between the north and south? A I went to the Choctaw Nation, they carried me there.
Q Who carried you there? A I don't know who they were, they captured me where I used to live in Flint.
Q You took you down there? A Yes, sir.
Q That was during the war? A Yes, sir.
Q When did you return from there to the Cherokee Nation? A Came back here in the fall of '65.
Q Where did you come to? A Came back here in Flint where I used to live.
Q Your master's old place? A Yes, sir.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Why is your name not on the roll of 1880? A I just don't know.
Q You been in the Cherokee Nation since 1865? A Yes, sir.
Q When did you marry? A In 1881.
Q To your present wife? A Yes, sir.
Q Were you ever married before? A Yes, sir.
Q How many times you been married? A Been married twice.
Q Is your first wife living? A Been.
Q Did she die before you married your last wife? A Yes, sir.
Q Where did you marry your first wife? A Married in the Creek Nation.
Q You were living in the Creek Nation then? A Yes, sir.

Q I believe you said you always lived in the Cherokee Nation?
A Yes, sir, I always lived in the Cherokee Nation, I lived there too.
Q You live in both places? A Yes, sir.
Q Did you live with your first wife in the Creek Nation? A Yes, sir, lived there four years.
Q When did you marry her? A I don't know, [illegible] she died in '74.
Q Then you must have married her about '70? A Yes, sir.
Q In the Creek Nation, and lived there about four years, did you?
A Yes, sir.
Q And then came to the Cherokee Nation? A Yes, sir.
Q Well, when you came back from the Creek Nation you came up to the old place in the Cherokee Nation? A Yes, sir.
Q Then did you move in to the Creek Nation? A No, sir, came to Fort Gibson.
Q How did you go to the Creek Nation? A By feeling around Fort Gibson I saw a woman I wanted and I followed her over there?
Q And then you married her over there, did you? A Yes, sir.
Q And lived there? A Yes, sir.
Q That was in '70? A Yes, sir.
Q Well, you lived there about four years? A Yes, sir.
Q And then came back to the Cherokee Nation? A Yes, sir.
Q Been living here ever since? A Yes, sir.
Mr. W.W. Hastings, Cherokee attorney: Give me the names of some of your owner's family? A Well, you want me to begin with the head man?
Q You have got them, give his wife and children? A His wife died a little before the war, his wife was named Annie.
Q Did he have any children at Annie? A Yes, sir.
Q What were their names? A I will tell you in the Cherokee language then, we didn't have English names, we all talked Cherokee, we didn't know talk no English.
Q And you don't know any English names? A No, sir, I know some of the oldest one's English names.
Q What was John Sizzo' [illegible] name? A Steve Teekee was one.
Q Did Steve Teekee know you before the war? A Yes, sir.
Q He know you after the war? A Yes, sir.
Q How soon after the war did you know Steve Teekee? A You see in '65 when I came here in the spring of '66 I planned up here for him, made a crop for him.
Q That is the man used to be second chief? A Yes, sir
Q And lived down about Tahlequah way? A Yes, sir.
Q Made a crop for him in the year '66? A Yes, sir.
Q Who did you come back from the south with? A Cole Starr.
Q You came back with him? A Yes, sir.
Q Who was along with Cole Starr? A There was nobody along with her but his family and me, some colored folks was with him.
Q Name some of them? A Dave Starr.
Q And who else? A He had a son by the name of Mark.
Q He alive? A He was alive, and Harris and his wife.
Q Was Charlie Starr along? A No, sir, he wasn't along with us then.
Q Was Mike Starr's wife, Harris Starr, along? A No, sir, he lived twenty miles this side of them, we lived on [illegible]
Q Was Henry Starr's father along? A No, sir, he wasn't married, he wasn't along.
Q I have seen John's wife, Mary Maude Starr? A She was a [illegible] girl.

Q She was along with her father when he came back here? A Yes, sir; you see they stopped in San Bois, they didn't come through with me.

Q Who didnt come with you? A Dale Starr.

Q Dale didn't come all the way with you? A No, sir, they stopped to San Bois.

Q How did you come from San Bois in the Choctaw Nation to the Cherokee Nation? A They said they were out of provisions, had to go to Fort Smith for grub, and I went to Fort Smith and then across the river right there.

Q Then Dale Starr brought you to Fort Smith? A Yes, sir.

Q And you went from Fort Smith up by yourself? A Yes, sir.

Q That was just across the river from the Cherokee Nation? A Yes, sir, right across the river.

Q How long had you been living in the Creek Nation until you married? A I never have lived there.

Q Before you married the first time? A I never have lived there then.

Q Where did you live when you married your first wife? A At Fourteen Mile Creek.

Q After you married your first wife? A A place they called Old Tennessee.

Q Near Muskogee? A Yes, sir.

Q Was any of your old owner's family living when you came back there? A Yes, sir.

Q You came back to the old place? A Yes, sir.

Q Any of them living now? A Yes, sir.

Q When did you first go to Fort Gibson? A I came there on the 28th day of July, 1865, after I made a drop for Steve Toshee when I left him.

Q John Glass had a boy by the name of Sam and one by the name of Bill, and one named Polly? A Yes, sir.

Q That was his children? A Yes, sir, one named Lidgie, and Polly and Bill and Looney, they were his first wife's children, they were the oldest children.

Q When did you first come out to Fourteen Mile Creek? A It was in '67.

Q You say Charlie Starr wasn't along with his father Dale?

Q No, sir, he wasn't along.

Q When did you first meet L. B. Daniels, did you meet him before the war? A No, sir, didn't know him before the war, but I knowed him when I came to Fort Gibson.

Q That was after the war? A Yes, sir.

Q You and him went together? A No, sir, didn't work together.

Q Did you live around Fort Gibson at all with your father and mother? A I stayed with my mother.

Q Out on Fourteen Mile Creek? A No, sir, in Gibson there that summer.

Q In what part of the town did the your mother live? A Right in the southwest part, I think.

Q Then the next year you moved out on Fourteen Mile Creek? A Yes, sir.

Q How long did you live on Fourteen Mile Creek before you married? A I guess my mother lived there one years.

Q And then you married? A Yes, sir.

Q When did you say you were married the second time? A In 1884.

Q Did there come you living in 1883 when you married? A I was down in Sequoyah, and in 83 here.

Q That place in Sequoyah was your home? A I could [illegible] there, I was staying down there, I didn't live there, but I was down in Sequoyah.

Q Did you long remain out there? A No, sir, never had home out there.

Q Did you come home after your first wife died or [illegible]

1891? A No, sir, never kept house any, I was with my father then.
Q Is your father living now? A No, sir, he is dead.
Q When did he die? A I don't know when he died, it has been about twelve years ago.
Q Where did he live? A Over on Lightening Creek.
Commissioner: What is your father's name? A Rube Still.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Susie Starr.
Q Is she living? A Yes, sir.
Q You stated to Mr. Hastings you came with Gale Starr as far as San Bois? A Yes, sir.
Q And afterwards you stated you came with Gale Starr to Fort Smith? A Yes, sir, with his wagons, came as far as Fort Smith.
Q Gale came as far as Fort Smith? A No, sir, his hired hands.
Q You left Gale Starr in San Bois? A Yes, sir, in the store there.
Q You were sent to Fort Smith to get grub? A Yes, sir, Fort Smith
Q You never went back? A No, sir, just lit across the river; I had an uncle lived on the other side of the river named Tom Ragsdale, and I went right there.

L. D. Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name, L. D. Daniels? A Yes, sir.
Q What is your age? A 58.
Q Your postoffice Claremore? A Yes, sir.
Q You are a recognized citizen of the Cherokee Nation, a Freedman? A Yes, sir.
Q Do you know Thomas Harrison? A Yes, sir.
Q His name Harris or Harrison? A I always knew them by Glass, I guess he goes by his father's name.
Q What is his father's name? A His old man is named Glass.
Q He was a slave, was he? A Yes, sir.
Q Belonged to what Glass? A I don't know what Glass, I got acquainted with him and his mother in '68 at Fort Gibson; she has always gone by the name of Glass.
Q Do you know where he was during the war? A No, sir.
Q Where did you first see him after the war? A At Fort Gibson.
Q What year was that? A That was in August, '68.
Q Who was he with there? A He was at Peggy Hayes house where his mother was.
Q Did his mother live there then? A Yes, sir.
Q Have you known him since that time? A Yes, sir.
Q Has he lived in the Cherokee Nation all the time since then? A Well, I can't say for a fact because I didn't see him all the while, but I have seen him more or less for the last 19 years to home.
Mr. Hastings: How much, you say the last six years after the war, after you first saw him, he continued to live at Fort Gibson or did his stepmother along moved then? A Well I really I believe that he left Gibson there when the soldiers had went off. I don't know exactly where he went, his mother went up on Grandmother Hills creek, and I believe it was in '70 I saw him, as I said you, but as sad to [illegible] at Claremore, that is where I saw him the first time after he left there.
Q Did you see him in the interpreter? A Yes, [illegible] interpreter along there, and that was that I saw him to Muskogee, it was very [illegible]
Q How long he stayed there, I can't say [illegible]
[illegible]
Q I saw over the other day on to the [illegible]
[illegible]

Q You know where he was married the first time? A No, sir.
Q Do you know who his first wife was? A No, sir.
Q Do you know whether he had any children by her or not? A No, sir.

Thomas Harrison, recalled, testified:
Mr. Hastings: Where did you first see Dave French after the war?
A I saw him in Fort Gibson.
Q When? A Oh I can't tell you when, I always knew him all my life.
Q How long after the war was it you saw him? A I can't tell you that, because I always knew Dave French back here; that is the part I want him to testify.
Q You didn't see him then immediately after the war? A No, I didn't see him immediately after the war.
Q How about Harry Still, did you see him immediately after the war? A Yes, sir.
Q How long? A Well, I am not able to say that.
Q About how many years after the war? A About two years, or three or three.

Dave French, being duly sworn and examined by Commissioner Meadles, testified as follows:
Q What is your name? A Dave French.
Q How old are you? A 28.
Q What is your post office? A Lenapah.
Q Do you know the applicant here, Thomas Harrison? A Yes, sir.
Q What is his name, Harris or Harrison? A Tom Glass we used to call him.
Q How long have you known him? A I been knowing him a long while.
Q Know him before the war? A Yes, sir.
Q Who did he belong to? A A Cherokee by the name of John Glass.
Q John Glass was a Cherokee? A Yes, sir, full blood Cherokee.
Q Did you know his father? A Yes, sir, I knowed his father.
Q What was his name? A Reuben Still.
Q Who did he belong to? A He belonged to George Still.
Q Where did you first see Tom Harrison here after the war? A I don't recollect.
Q Don't know where you saw him after the war? A No, sir.
Q You just knew him before the war and knew him to be the slave of John Glass? A Yes, sir.
Mr. Hastings: Where did you live before the war? A I lived in Texas.
Q Know him? A Not so very far from him.
Q About how far? A Seven or eight miles.

Thomas Harrison, recalled, testified:
Mr. Hastings: Did you see Harry Still after the war? A I was at his house.
Q Where was that, on Verdigris River? A Oh Grand River.
Q About how many years? A I can't say.
Q That was after your mother died and on the premises Mike lived?
A I don't know but that my mother was in bed [illegible] when I was [illegible], I never knew that he [illegible] Mike I couldn't be.
Q That was the first time you got him was it? A Yes, sir.
Q Was that in the country or full of the country? A [illegible] the country. [illegible] to me [illegible] I don't know [illegible].

Q It was either in the spring or the summer? A Yes, sir, I don't know really which, particular.
Q It was the next spring or summer after you had made a crop for Steve Teehee? A Yes, sir, it was the third year.
Q After the war? A Yes, sir.

Harry Still, being duly sworn and examined by Commissioner Meadlen, testified as follows:
Q What is your name? A Harry Still.
Q What is your age? A 54.
Q What is your post office? A Hayden.
Q Are you a recognized freedman of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Thomas Harrison? A Yes, sir.
Q What is his name, Harris or Harrison? A His master's name is Glass.
Q I didn't ask you his master's name; you don't know what his name is? A He and him is brothers.
Q Now he says his name is Harrison or Harris, I don't know which, do you know? A I don't know whether my father was named Harris or not, but we always called him Rube Still, I don't know what his father was named, he belonged to the Stills before the war.
Q Who? A My father did.
Q Are you and th applicant own brothers? We are half brothers, by one father.
Q Was the applicant a slave before the war? A I don't know, I have heard he belonged to John Glass before the war.
Q He was your brother, you ought to know who he belonged to? A He lived about twenty or twenty-five miles from where I lived, I lived in Going Snake and he lived in Flint.
Q Did he go out of the Cherokee Nation during the war? A I don't know that.
Q When did you first see him after the war? A '67.
Q What part of the year? A It was a out the middle of '67.
Q That the first time you saw him after the war? A Yes, sir.
Mr. Hastings: You had different mothers? A Yes, sir, we had different mothers.
Commissioner: You don't know then when he returned? A No, sir, I don't know when he returned, but '67 is the first time I saw him.

Thomas Harrison, recalled, testified:
Commissioner: Do you ever write your name? A No, sir, I don't write at all.
Q You go by the name Harris, do you, or Harrison? A Well, they call me either way and I answer either way, Harris or Harrison, so I don't know just which, of course I can't write myself.
Commissioner: The wife says her name is Harris, I guess you had better put down Mrs Harris.
Q You changed your name to Harris? A Yes, sir.
Q Why? A I knew John Glass wasn't my father and I wanted my own name.
Q You think your father's name was Harris? A Yes, sir, at least he told me that ought to be his name.
Q Is he living? A No, sir, he is dead.
Q Is his name on any of the rolls? A No, sir.
Q Have you got any certificate of marriage to show yourself and your present wife? A Yes, sir, I have a marriage license.
Commissioner: The applicant produces a certificate of marriage showing that Thomas T. Harrison was married to Miss Minnie Hastings, according to the laws of the United

States of America on the 3rd day of October, 1881, by the Rev. Thomas J. Casey.

Q You didn't have any license? A No, sir, they told us both we were Cherokee citizens and we didn't need it.

Mr. Hastings: I see in this license where you were married in 1881 that the name is given as Thomas H. Harrison, of Muskogee? A Yes, sir.

Commissioner: Your right name is Thomas H.? A Yes, sir, I suppose that is it, when they writes it, but I don't know how they put it, and I just told them that is what is my name.

Commissioner: Thomas Harrison applies for the enrollment of himself. He avers that he was married to one Minerva Douglass, a Cherokee Freedman, in the year 1881, and makes satisfactory proof of said marriage, license being filed herewith. From an examination of the records, it appears that his wife has been duly listed for enrollment as a Cherokee Freedman on a straight card, No. 1033, as Minerva Harris. It is evident that she intended to state that her name was Harrison. Applicant cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he was the slave of John Glass. As to his residence and citizenship reference is made to the testimony. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the action of the Commission on his application, when a decision is rendered.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of June, 1901.

Commissioner.

Cherokee Freedmen D 776

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas H. Harris as a Cherokee Freedman.

--:--

D E C I S I O N.

The record in this case shows that on June 20, 1901, Thomas H. Harris (Harrison) appeared before the Commission at Nowata, Indian Territory, and made application for enrollment as a Cherokee freedman.

The evidence in this case shows that the applicant, Thomas H. Harris, was the slave of a Cherokee citizen at the commencement of the rebellion; and that he was taken from the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and has since continuously resided therein.

It is, therefore, the opinion of this Commission that Thomas H. Harris should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dixby.
Chairman

T. B. Needles,
Commissioner

C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this _____

F. D. 776

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

Proof of Service made and [illegible] the case [illegible]

SEP 2[illegible] 1901

NOTICE!

IN THE MATTER OF the application of Thomas Harrison for enrollment as Cherokee Freedmen:

Case No. F. D 776

To Thomas Harrison

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Ft. Gibson Indian Territory, on Sept. 25th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 24th 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

N6D776

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

~~Given under my hand this~~ .....

day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the ..... day of ..... A. D. 1901

Subscribed and sworn to before me this ..... day of ..... A. D. 1901

Notary Public.

SEP 1. 1901

SEP 1. 1901

SEP 1. 1901

NOTICE!

IN THE MATTER OF the application of [redacted]
for enrollment as a Cherokee citizen:

Case No. D [redacted]

To [redacted]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on [redacted] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

Attorneys for the Cherokee Nation.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-776.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Thomas H. Harris as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. 8-73

Cher.Fr.D-777

Cher.Fr.D-777

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Calvin Ross for the enrollment of himself, his wife, and nine children, as Cherokee Freedmen.

Calvin Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Calvin Ross.
Q How old are you? A I am about 49 years I guess.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you live in Vinita? A Yes, sir.
Q Why didn't you apply to us when we were at Vinita? A I could not get out, I went several times, then my witnesses was out here.
Q Who do you desire to have enrolled besides yourself? A Just me and my children.
Q Now how many children? A I have got nine.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Maggie.
Q Is she a citizen? A Yes, sir, she is a freedman.
Q Where is she? A She is at home.
Q Do you want to enroll her? A Yes, sir, I suppose so, she will come in with me I guess.
Q What was her name before you married her? A Williams.
Q How old is she? A She is about 45.
Q Your name on the roll of 1896? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Not as I know of.
Q Have you got any witnesses here? A Yes, sir.
Q Did you never draw Kern-Clifton money? A No, sir.
Q Is your wife's name on any of the rolls of the Cherokee Nation?
A No, sir.
Q Now give me the names of your children? A Laura.
Q How old is Laura? A She is about 19.
Q The next child? A Henry.
Q How old is Henry? A About 14.
Q The next one? A Johnny.
Q Well, John; how old is John? A He is about 8 I guess, and Henry, I think I gave you the youngest first.
Q How old is Henry? A She is 14.
Q Henry is 14 you say? A Well, she is 13.
Q What is the next one? A Mary.
Q How old is Mary? A I guess she is a out 1 3.
Q Well? A Arzie.
Q How old is Arzie? A I could her eight I guess.
Q You said John is 8, are they twins? A No, sir.
Q Well, we will put her nine then. Well?
A And Bennie. 7.
Q The next one? A Frank, 5.
Q Have you got another one? A No, sir, she is dead.
Q You haven't got not either them? A No, sir, either.
Q All the children are living at this time? A Yes, sir.
Q Did you ever apply to the Cherokee authorities to be enrolled as Cherokee freedmen? A No, sir.
Q Did you ever apply to the Kern-Clifton Commission? A Yes, sir.
Q Did you get any money then? A No, sir.
Q Did you draw your Kellogg money? A No, sir.
Q Did your wife draw any? A No, sir.
Q Have you a claim before the court? A Yes, sir.
Q What did you belong to? A Cherokee.
Q Was she a Cherokee citizen? A Yes, sir.
Q Well, did you go out of the Nation during the war? A Yes, sir.

Q Well, did you go out of the Nation during the war? A Yes,sir.
Q Where did you go? A Went to Kansas.
Q What part of Kansas? A In Coffey County.
Q When did you come back? A I came back in the fall of '66 they say, my witnesses states that.
What part of the Cherokee Nation did you come to? A I came to Pryor Creek.
Q You been living in the Cherokee Nation ever since? A No, sir; off and on, ever since.
Q Well, how much off and how much on? A All but two or three in the Cherokee Nation since I came back.
Q Where is the other three? A In the states working.
Q In what state? A Coffey County, Kansas.
Q Where were you married? A Married in Kansas.
Q Is your wife a state woman? A No, sir, she is a freedman.
Q Where were these children all born; where was Laura born? A Born in Kansas; the oldest and the next oldest was born in Kansas.
Q Who is that, Henry? A Yes, sir, I guess it is Henry.
Q He was born in Kansas? A Yes, sir.
Q Where were the remaining children born? A Born here in the Nation.
Q Cherokee Nation? A Yes, sir.
Q Only two born in Kansas? A That is all, two.
Q How long did you live in Kansas; you married in Kansas did you?
A Yes, sir, I married in Kansas, well and lived there during the war, and then went back and lived there off and on about three or four years after that as near as I can guess.
Q How long have you been living in the Cherokee Nation continuously? A Indeed I can't say, because I can't remember.
Q Can't remember how long you been here? A No, sir.
Q Been living here the last ten years? A Yes, sir, living here longer than that, I was living here long beforek the Cherokee Payment at Vinita.
Q Been living here ever since have you? A Yes, sir.
Mr. W.W. Hastings, Cherokee attorney: Well, you came down here to the Wallace Court, didn't you? A Yes, sir.
Q That is when you came from Kansas? A No, sir, I had been down before.
Q You came from Kansas then that time? A Yes, sir, I was working up there.
Q At what place in Kansas were you working? A Coffey County.
Q What county? A Ottawa.
Q Well, you were married in Ottawa? A No, sir.
Q Where were you married? A Married in Iola.
Q How far is Iola from what place? A Indeed I can't say.
Q Well, you testified before the Commission Commission, didn't you, when they was sitting here making the roll for that strip payment? A Yes, sir.
Q You testified then that Laura was born in Kansas? A Yes, sir.
Q You said then that Henry was born in Kansas, didn't you?
A Well, I don't know, I can't remember now what I did state; I told you my memory is short, if I stated they was at that time, because my memory is short.
Q Where was Henry born? A I just told you I can't remember, I can't remember; you will have to take my witnesses for that, can't just state anything.
Q You are the best man to tell about your recollection of it. If I understand you I just can't say, I can't remember nothing, that is the reason I couldn't positively because I gave a statement and gave it wrong.
Q You testified before that all which of your children were born in the Nation didn't you, your eight living children? A I don't know how long that.

Q You don't know about that? A I don'S remember, I can't remember.
Q Were your children born there? A Well now, I don't know; all eight of them?
Q Ye ? A If I stated they was I guess it must have been, no, I can't remember.
Q Were they born near Ottumwa? A Well, they were born in Coffey County, wherever I stated they were born, I can't remember.
Q Were you up there with your wife and children at the time Mr. Wallace made this roll, and didn't you come down from there in '89 to Vinita to enroll? A Yes, sir.
Q And your wife and children were then up to Coffey County, Kansas?
A Yes, sir, they were up there visiting.
Q They had been visiting there ever since the war; yes my wife had, after we moved down here she moved down here with me.
Q After the Wallace roll? A Yes, sir.
Q Who did you come down here first with after the war? A I came down here with a white man going to Arkansas, that said - - -
Q What was his name? A I don't know what his name was.
Q Where did you meet up with him? A I was coming from Ottumwa and I met up with her and he said he was going to Arkansas, and I said I was going to the Nation, and he brought me down.
Q You don't know where he put you out? A No, sir.
Q Did you come through any towns? A I don't remember.
Q Well, where did he put you out in the Cherokee Nation? A I can't tell you that, but I walked to Frank Ross'.
Q Why didn't you get Frank up for a witness for you before the Kern-Clifton Commissions? A Because Jesse Martin and Andy Frye and Millie, they lived right close by me before the war, and they said they would witness for me.
Q You didn't put in anybody before the Kern-Clifton Commission; you didn't put anybody on the stand, did you? A I had Moses Hardrick and Creek Ross, they didn't call them in.
Q How long did you stay with Frank Ross? A Oh I can't tell you how long; I got a little tired and I walked out on Grand River and found some more of my people.
Q About how long did you stay with Frank? A I can't say, I can't remember to say; and if I am entitled to enrollment and I want to get on the roll, and I will do the best I can.
Q You ought to remember whether it was a short time or a long time?
A It seemed a long time to me because I was a child and didn't know.
Q Was it a month? A I don't know, I suppose it is.
Q Was it longer than that or shorter? A I can't say to be positive.
Q What kind of a house did Frank Ross live in? A Log house.
Q One room? A Yes, sir, I think there was.
Q Did he have a farm around? A Yes, sir, he had a patch I think.
Q Have some corn in? A Yes, sir, I think he did, I am not sure.
Q Where did you go from Frank Ross'? A I walked over to Grand River, to Moses Hardrick's.
Q Was you living with Frank Ross at the time you came there?
A Well, I don't know, his wife, I don't know who else.
Q What was her name? A I don't remember her name.
Q Did he have any children at all at that time? A He had one I think.
Q What was his name? A His name was Nathan, his stepchild.
Q You don't know what his wife's name was? A No, sir, I can't remember.
Q Did any of the rest of Frank's relatives live with him at that time?
A I don't say, I don't know, as I can't be positive.
Q Did you get acquainted with any of Frank's neighbors around

there? A No, sir, didn't go anywhere, child-like I stayed there.
Q Have a spring or a well? A I can't say that.
Q Did he have a barn, or anything like that to keep his horses?
A I don't know that.
Commissioner: About fifteen years old then? A I don't know sir, I don't know how old I is.
Q You say you are 48 now? A Well, sir, I just guessed at it.
Mr. Hastings: Where is your mother? A Dead.
Q When did she die? A Died time of the war.
Q Where is your father? A Died in the Creek Nation; I didn't have anybody to look after me.
Q You were from Frank Ross' to Joe Lynch's? A Moses Hardrick's.
Q You testified you went to Joe Lynch? A No, sir, went with Moses Hardrick.
Q Didn't you say you went to Joe Lynch? A Yes, sir, I went there and helped him farm.
Q How long did you stay with Moses Hardrick before you went up there? A Three or four weeks, I don't know; I stayed there, I know.
Q How long did you stay there before you went to Kansas? A I knocked around in the Nation two or three years here and there and around-about.
Q Then you went back to Kansas? A Yes, sir.
Q And you married your wife up there? A Yes, sir.
Q You don't know in what year? A No, sir.
Q Can you name a single place in the Nation where a single one of your children were born? A Yes, sir, at Vinita, the baby was born there.
Q What was her name? A Frank.
Q Is that your child? A They say it is.
Q How old is it? A Born in the Cherokee payment.
Q This last payment? A Yes, sir.
Q All the children born before that were born up in Coffey County? A Well, they were born away from Vinita, I guess you right call it Coffey county.
Commissioner: You know whether it was Kansas? A They called in Kansas.
Q All born in Kansas, weren't they? A Yes, sir.

****

Taking of testimony continued by Stenographer [illegible].

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[signature]

Sworn to and subscribed before me this the 9th day of June, 1921.

[signature]

Commissioner.

CALVIN ROSS Application Continued: Former portion reported by Stenographer Bruce C. Jones.

GEORGE W. LYNCH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George W. Lynch.
Q What is your age, Mr. Lynch? A 48.
Q Your post office? A Vinita.
Q Do you know the applicant here, Calvin Ross? A Yes, sir.
Q How long have you known him? A Well, sir, my first acquaintance with him was just the same as in his case of brother Jack.
Q Well, when was that? A That was in the winter of '66.
Q Where? A At Joe Buzzard, Joe Lynch.
Q Was he a slave? A Yes, sir.
Q You saw him in '66 at Joe Buzzard's? A Yes, sir.
Q How long have you known him since? A Well, I have known him ever since that.
Q Where has he lived since that? A To be positive where he lived at all since that; I have never known him to be stationed at any place long, during the longest it has been in Vinita.
Q How long since he has been at Vinita? A Why it has been as well as I can remember about somewhere about 13 or 14 years.
Q Do you know his children? A Yes, sir, I have saw all of his children.
Q Where were they born, do you know? A No, sir.
Q Do you know his wife? A Yes, sir.
Q Was she a slave? A Well, I don't know; No, I don't know.
Q When was the first time you saw his wife after the war?
A Why I saw her at Vinita when they located there?
Q Away after the war? A Yes, sir.
Q So you don't know anything about his wife's citizenship?
A I know she is a claimant, but of my own personal knowledge I didn't know her before the war.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q You saw him at Joe Lynch's or Joe Buzzard's first?
A Yes, sir.
Q Where were you then? A I was there I reckon.
Q Where were you living? A I wasn't particularly living any place, I had come up there to Griffin Daniels.
Q From the James? A Yes, sir.
Q And you by accident saw this boy up there?
A I saw the two of them.
Q And this is the only recollection you have of seeing them at Joe Buzzard's or Joe Lynch's, only you saw him at Vinita as you stated? A Well, I said I didn't know him to locate with a family until that time.
Q Well, how long did you see him around there at that time?
A At that time I never saw him only that evening, that night.
Q Well, now, how long afterwards will you say you saw him again?
A Well, I went off in the army and didn't see him until I came back.
Q When you got back was he still there? A I never saw him any more at Joe Buzzards.
Q Where did you next see him? A I saw him there on the river.
Q Well, at what place? A I saw him there down around the Ft. Ford Ford.
Q Who was he living with? A Can't tell you.
Q Who was he working for? A Didn't see him working for anybody.
Q Did he marry? A Not that I never saw him with his wife until he located in Vinita.
Q Well, Joe Buzzard was living there when you first saw him?

A Yes, sir.
Q It was at his house? (No response.)
Q And Joe Buzzard come back there about '68 or '69? (No response.)
Q Is that correct? A Not of my knowledge it ain't; I didn't see him when he come back; I don't know when Joe Buzzard come back, don't pretend to know it.
Q Well, did you see him before that time? A Before what time?
Q Before '68 or '69? A I saw him in '66.
Q I saw did you see him in '68 or '69? A I ~~saw~~ ~~I~~ saw him in '66?
Q You didn't know this boy before the war? A No, sir, I did not.
Q You are not an applicant yourself are you? A Yes, sir.
Q Didn't you never hear this man say he was married in Kansas?
A No, sir, I never heard him say where he was married.
Q You come up here to be a witness in the case and didn't make any investigation about him? A I was down here in a town and somebody said they was calling me up here.
Q Don't you know he had eight or ten children born in Kansas?
A No, sir, don't know where they was born.

FRANK ROSS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Frank Ross.
Q How old are you, Mr. Ross? A 53 past.
Q What is your post office? A Hayden.
Q Do you know the applicant, Calvin Ross? A Yes, sir.
Q Are you any relation to him? A No, only old fellow slaves.
Q How long have you known him? A We was raised together.
Q Was he a slave? A Yes, sir.
Q To whom did he belong? A Belonged to Susie Ross.
Q Was she a Cherokee? A Yes, sir.
Q Well, do you know whether the applicant went out of the Cherokee Nation before the war or during the war? A Yes, sir.
Q Where did he go to? A Kansas.
Q When did he return? A Come back in August, '66.
Q How do you know? A He came there and stayed with me a while, about three or four weeks.
Q You were there in '66? A Yes, sir.
Q Where has he been living since that time? A He went over there to grand river and the next time I saw him was in Vinita.
Q When was it you saw him in Vinita? A Along in about '79 or '80.
Q That was the first time you saw him after? A He left home and went to Grand river.
Q Do you know where he was married? A No, sir.
Q Do you know his children? A Yes, sir.
Q Do you know where they were born? A Yes, sir.
Q Do you know his wife? A Yes, sir, she was raised on the same place I was.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Minnie Vann.
Q Did she go out during the war? A Yes, sir.
Q When did she return, do you know? A No, sir.
Q When did you first see her after the war? A I seen her in Vinita.
Q Was that at the time you saw him? A Yes, sir.
Q Do you don't know when Maggie returned? A No, sir.

BY MR. [illegible]:

Q Do you know why he came down to your place [illegible]?
A He came down there with some [illegible], White folks. He stopped there with me.

Q He come out there at your place did he? A Yes, sir.
Q You saw the white men pass on? A Yes, sir, I seen the white man camp right close; he stopped there with me.
Q Stayed there about how long? A Three or four weeks.
Q Do you know where he went from your place?
A Said he was going up on Grand river to Mose Hardrick's.
Q You never saw him any more until you saw him in Vinita?
A No, sir.
Q Well, how long was it before the Wallace Court; before that?
A Yes, sir.
Q How long? A Must be two or three years.
Q Do you know what year Wallace made that roll? A I think it was in '89, '87 or '89.
Q You are not positive what year? A No, sir.
Q That was an important year wasn't it? A Not with me.
Q You were enrolled to get money? A We didn't get much.
Q Which was the most important when you got money or when you saw this fellow? A Just the same; I was as glad to see him as I was to get the money.
Q You haven't followed his whereabouts since that time?
A He went to Grand river from there.
Q Don't you know that he went back to Kansas? A No, sir.
Q Don't you know that he married in Kansas? A No, sir.
Q Don't you know he had eight children born in Kansas?
A I don't know.
Q You are willing to come here and witness for a fellow and not ask him anything about it? A I didn't have to ask him.
Q Are you willing to come in here and testify for a fellow and not ask him anything about him for 28 years? A I didn't ask him.
Q Didn't you ask him where he had been living? A No, sir.
Q Didn't ask him where he was married? A No, sir.
Q Didn't ask him where his children were born?
A It wasn't my business to ask him where he was born.
Q Who was living with you when he first come to your house?
A My wife.
Q What was her name? A Susan.
Q Did you have any children? A No, sir, not at that time.
Q There not of your folks lived close to you? A Yes, sir.
Q Was your mother alive then? A Yes, sir.
Q What sort of a house were you living in? A I was living in a log house.
Q One room or two? A One rook, little shanty.
Q Did your wife have any children at that time?
A Had one by her first husband.
Q What was its name? A Nathan.
Q How old was Nathan? A Now?
Q Then? A He was not over two years old.
Q How long had you been married then? A I had been married about five months I guess.
Q Where were you married, here? A Yes.

CALVIN ROSS, the applicant recalled:
BY MR. MARTINEZ:

Q You are sometimes known as Calvin Fields aren't you?
A They call me that.
Q You are known by both names Calvin Fields and Calvin Ross?
A Were Calvin here.

The Rolls of Freedmen Citizens of the Cherokee Nation examined and names of applicant's not found on any of them.

BY COURT STENOGRAPHER:
Q Did you ever draw any money for your wife? A No, sir.
Q You never draw for your wife, yourself or any of your children?

Calvin Ross, et al. Cont'd 4.

No, sir.
Q Is Laura married? A Yes, sir.
Q Well, she must apply for herself; well is any of these other children married besides Laura? A N o, sir.

(CON'R MINERS) Calvin Ross applies for the enrollment of himself, his wife, Maggie and seven children, to-wit: Henry, John, Amanda, Mary, Artie, Mintie and Frank: He cannot be identified upon any of the rolls now in the possession of this Commission. He avers that he was a slave of Susan Ross, a Cherokee citizen, and went out of the Cherokee Nation during the war and returned in the year 1866. The proof shows that his wife, Maggie was a slave of Matti e Vann. No evidence is introduced as to when she returned to the Cherokee Nation. The testimony is indefinite as to his residence and as to where his children were born. Reference is made to the testimony in the case. Said Calvin Ross, and his wife, Maggie and seven children , as enumerated herein, wi ll be listed for enrollment as Cherokee Freedmen on a doubtful ca d

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J. O. Rossen, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete tr anscript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me, this 24 day of July, 1901.

C. R. Breckinridge
Commissioner.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with C.F. D-777, Calvin Ross.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3,1901.

In the matter of the application of Jackson Fields for enrollment as a Cherokee Freedman.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. Davenport, of attorneys for the Cherokee Nation.

J.N.THORP, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. N. Thorp.
Q How old are you, Mr. Thorp? A 64.
Q Where do you live? A Iola, Kansas.
Q How long have you lived at Iola, Kansas; do you think? A 44 years.
Q Since you have been living at Iola, Kansas, did you get acquainted with the family of colored people by the name of Fields?
A I knew two boys, two brothers, by that name.
Q What were their names? A Cal and Jack was the names they went by.
Q Do you know with whom they came to that country? A No sir, I do not.
Q When did you first see them at or near Iola, Kansas? A First I knew of them they were living just a block from me; I lived on West Street and they lived on Madison Avenue. That was after I was married, in fact the following winter of '67 and '8.
Q Now how long did they remain there, Mr. Thorp, to the best of your knowledge? A Oh they were about town for quite a while. and finally drifted out into the country on Deer Creek and to the north of Deer Creek.
Q I am speaking of how long they remained in the vicinity of Iola? A Jack was not there so long.
Q Did they stay there one year or more? A Oh yes, yes, certainly.
Q Well can you give an estimate? A Well Jackson as I say was probably there 6 or 8 or 9 or perhaps 10 years so far as that is concerned.
Q Did Calvin stay longer than Jackson? A He was there some two or three years longer, but I wont attempt to be specific; that was the elder of the two.
Q And they were there when you were married, along in '67 or '8?
A Oh I judge they were there at that time.
Q You saw them there the following winter? A Yes sir.

BY MR. MELLETTE:

Q How far is that from here to Iola, Kansas? A I couldn't tell you.
Q Give us an idea? A About a hundred miles I guess.
Q How far is Fort Scott from Iola? A 42 or 44 miles, I don't know which - 42 miles exactly.
Q Did Jackson Fields ever live in Fort Scott? A I heard -
Q Now you are going on what you heard? A I don't know whether he was in Fort Scott or not, he was about awhile.
Q You don't know whether the Jackson Fields you knew was the Jackson Fields who applied here for citizenship or not? A Don't know, no sir, only what I have heard.
Q When did you first see the Jackson Fields you are talking about
A Oh, I don't know just what lot, block 99-
Q I know, but when did you first see them? A Why along in the winter of '67 and '8 after I married when I moved to town.
Q You fix that time absolutely? A Oh morally, Yes, yes; as far as my memory goes, yes sir.
Q Was he a grown man at that time? A Oh no sir.
Q How old was he? A Well I judge as near as I can remember I think from memory, he was probably between somewhere 12 or 14

years old.
Q Do you remember every little colored boy you saw up in this country in 1867? A I remember them, from some peculiar conditions; they used to go over and chop wood for us.
Q Every colored man worked for you or your wife?A Yes, a good many did.
Q And you remember all of them? A Oh I can hardly fail to remember some of them.
Q Now 35 years ago you remember Jackson Fields as a little 12 or 13 year old boy, and remember the year that you saw him? A I can explain it to you if you wish.
Q I don't ask for any explanation, answer my question? A Yes sir, I remember him.
BY MR. DAVENPORT: I object right now; he said he wants to make an explanation and he has got a right to make it now.
COM'R NEEDLES: He can make the explanation on cross-examination
BY MR. MELLETTE: I don't care; let him make it.
A I saw the little boys under very adverse circumstances on a very cold morning.
Q You saw them on a cold morning did you? A Yes sir.
Q How low was the thermometer? A I don't know.
Q Is it possible that you didn't examine the thermometer 35 years ago? A I think I had one, but I don't think I consulted it.
Q Do you remember seeing Jackson Fields on a coldmorning 35 or 40 years ago? A Yes sir; they were starting out with a little wagon.
Q How many cases have you been a witness in since you came down here? A I don't know sir.
Q As many as 10? A No, I think not.
Q Six? A Perhaps, yes, perhaps.
Q What other colored boys did you see up there 35 years ago besides Jackson Fields? A Oh there was numbers of them.
Q Only two? A Well there were not so many in there, but there were a few, Mr. Jonas Carter had two boys of his own.
Q How old were they? A I think they were little larger.
Q What kind of a morning did you first see them? A Oh I don't know.
Q How do you not remember the kind of a morning you saw the Carter boys? A I regarded them as being illy clothed for the weather.
Q What year did you see Jackson Fields? A I think about '68 is my memory, besides the first winter I lived in town; I married the 9th of March, 1867.
Q You were married how many years ago? A 9th of March, '67.
Q And you remember that it was the spring after you married that you saw this Colored boy 13 or 14 years old? A Oh yes.
Q How do you remember that? A I think I do; I couldn't so state if I didn't.
Q You said awhile ago you were morally certain, what do you mean by that? A Oh well, practically so.
Q Practically? A Yes sir.
Q That is any time that you might be mistaken? A Oh yes, certainly. but I don't think I am; things will become vague in the lapse of time.
Q Who was the father of this Jackson Fields? A I didn't know him, I never saw him; if my memory serves me right they were the children of a second wife, Mrs. Carter by a former husband.
Q Who was Carter you are talking about? A Colored man up there by the name of Jonas Carter; head dead a great many years.
BY MR. DAVENPORT:
Q About that time was Jackson Fields when you last saw him bef ore he moved away from there? A I suppose he is as large as he is now; appeared to be small for his age.
Q Was he grown? A Yes sir, I suppose he was.

Jackson Fields 3

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER, CHARLES VON WEIHE.

(Continued from stenographer H. D. Green at Vinita, I. T. Oct.,7,1901)

H. P. GRAY being first duly sworn by Gen'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A H. P. Gray
Q How old are you? A 67.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A 23 years.
Q Since you have been living in Iola Kansas or near there did you get acquainted with some colored people named Fields? A Yes sir.
Q What were their names? A Gal and Jackson Fields.
Q You went there about what year? A In December of '78.
Q How long had you been there before you got acquainted with these Fields boys? A Perhaps a week.
Q What business were you engaged in at Iola Kansas? A I was hauling wood, I had four horses and not much money and was hauling wood, and they lived six miles ~~south~~ north west of Iola, there is where I was hauling from.
Q How long did they live in and around Iola Kansas? A Well I dont know, six or seven years after that though.
Q Did they both leave at the same time? A No sir Jackson left a year or two ahead of Gal, Gal left there two or three seasons after Jackson left there.
Q Did either of them marry up there and have families of their own? A Gal was married, I dont know if he married there.
Q Do you know if Jackson had a family? A No sir I dont.
(By Mellette)
Q Do you know if Jackson Fields, who is an applicant here for citizenship, is the same Jackson Fields who lived in or near Iola Kansas? A I dont know anything about that.
Q You didn't know him before '78? A No sir.
Q You dont know where he was before that, if he was in Kansas or in the Territory? A They told me they were from the Nation.
Q Jackson Fields told you that? A I dont recollect now which one, but I think it was Gal that told me that.
Q They were brothers? A Yes sir.
Q Living together? A Yes sir when I first knew them they were.
Q You knew that one of them,when you think was Gal, told you that they had come from the Nation? A Yes sir.
Q And a few years after you saw them there they came back into the Nation? A Yes sir.
Q What were they doing there? A Chopping wood there.
Q Day's work? A Yes sir.
Q Following that all the time? A No sir, that was in the winter, they farmed in the summer ,but this was in the winter

R. J. HARRIS, being first duly sworn by Gen'r T. B Needles, testified as follows: (on behalf of the Cherokee Nation)

(By Davenport)
Q What is your name? A R. J. Harris.
Q How old are you? A 56.
Q Where do you live? A Iola Kansas.
Q How long have you lived at or near Iola Kansas? A Since '84.
Q Did you get acquainted with some colored people named Fields there in or near Iola Kansas? A Yes sir.
Q What were their first names? A Jackson and Gal.
Q When did you first become acquainted with these boys? A Some time in '85 or '86.
Q Do you know with whom they came to that country? A With Frank Parker
Q How long did they live there in your knowledge after you became acquainted with them? A Long time, I can tell the page.
Q About how many years? A They were not gone when I first became acquainted with them and they were both married when they left there and Jackson left his family, one is there now.

Q What is her name, what was her name before he married her? A Fannie—I know the name if I could think of it.
Q She is there yet? Yes sir.
Q How many years ago was it that Jackson left his wife Fannie up there? A From 16 to 20 years ago.
(By Mellette)
Q Do you know whether the Jackson Fields that has applied here for citizenship is the Jackson Fields you are talking about? A I dont know, I haven't seen him.
Q Where was that Jackson Fields that you are talking about, in '66? A I cant say positively if he was there then or not.
Q Where was he in '67? A I cant say positively about that , I know he was there and come there, I think, with James Carter, I wouldn't be positive where he was in '67.
Q You have just about as good a recollection of these two particular men thirty five years ago as you would have of any other two colored men haven't you? A Well I can't remember everything about them exactly.
(By Davenport)
Q How near to them did you live? A Close by on the same farm
(By Mellette)
Q Is this Jackson Fields? (Pointing to a colored man named Lewis T. Brown, sitting beside him) A I think that is the boy, yes that is the boy (dont you remember me -WITNESS OF APPLICANT-)
Q You think this is the Jackson Fields that you saw up there do you? A Yes sir that looks like him, it has been 16 or 18 years since I saw him.

M. C. ROBINSON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A M. C. Robinson.
Q What's your age? A 59.
Q What is your post office? A Iola Kansas.
Q How long have you lived there? A Ever since the spring of '70.
Q Did you get acquainted with some colored people named Fields up there? A Yes sir some little acquainted with them.
Q What were their first name? A Jackson and Sal.
Q What size were they when you first got acquainted with them? A They were grown, Jackson was not very large, but I think they were grown.
Q Are they living there now? A I think they have moved away from there
Q How many years did you know them there? A I hardly know now, I was acquainted with them—well I dont know how soon after I got there that I got acquainted with them—anyway they left there about 18 or 20 years ago.
Q Did they live there after you got acquainted with them more than a year? A I think they did, I am satisfied they did, but am not positive.
(By Mellette)
Q You dont know what year you got acquainted with them? A No sir
Q Or how long they lived there after that? A No sir.
Q How far is it from here to Iola Kansas? A I cant say.
Q About a hundred miles? A Somewhere about there.

Comp. was below, being sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of the stenographic notes thereon.

(Signed) [illegible]

Subscribed and sworn to before me
this 5th of October 1901.

[illegible]

Commissioner.

File with the case of Calvin Ross, C. F. D. 777.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Fields, C. F. D. 771.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicants.

E. B. FRAZIER, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Davenport)
Q What is your name? A E. B. Frazier.
Q Where do you live? A Here in town.
Q What is your age? A 52.
Q How log have you lived in and around Vinita? A Since '77.
Q Are you acquainted with a colored man named Jackson Fields? A Yes sir.
Q How long have you known him? A Since '81 or '2.
Q Where did you first see Jackson Fields? A Here in the town of Vinita
Q Did you have any conversation with him at that time? A Yes sir.
Q Please state the circumstances under which it arose ? A Well I was in town with my wagon and was going out and he came to me and wanted to know if I was going out in the direction of Joe Lynch's and I told him that I was going to my farm which was in that direction, he asked me what would be the chance to ride as far as I went, and I told him he could ride and he rode with me six miles and a half to my home.
Q Had he been living in that part of the country before that time?
A I asked him where he came from and he said Fort Scott; I asked him if he was just moving into the country and he was, that he only knew his brother in law, Joe Buzzard or Lynch, and he said " I have just come in here and I am going to stay now & I make me home here "
Q That was in 81 or '2? A Yes sir, I think in '82.
Q Have you seen him since? A Yes sir.
Q Do you know where he located? A Yes sir.
Q Where, with reference to your home place? A Eight miles southeast of where I live.
Q Has he been living there since the time you first saw him? A Yes sir, he has worked for me since then, some.
(By Mr. Smith)
Q You dont know if the man you saw there is the same one who has applied here for enrollment to you? A I know that is his name.
Q You are talking of a Jackson Fields you met in '82? A Yes sir.
Q You dont know if that is the same man who has applied in this case or not? A I know that that is his name, he has a brother named Calvin Fields; I know about all that live out in there.
Q There might be some other people around there that you dont know by that name? A Not if they live in around there.
Q Do you know every family in Delaware District? A Every one that has been living there as long as he has, up around there.
Q You dont know where he was before the war? A He said he lived in Arkansas during the war
Q Do you know if he was in the Cherokee Nation immediately after the war? A No sir, only what he told me, that he had not lived here since the war.
Q Was he by himself? A Yes sir, said he was just moving in.
Q What was he moving if he was by himself? A He said he had six mules in Texas and that they were coming later.
(By Davenport)
Q You said he had a brother named Calvin? A Yes sir.
Q Have you seen him since that time? A Yes sir.
Q Have you seen Jackson Fields this morning? A No sir.

Q You have never heard of [illegible] Jackson Fields in that Legislature?
A That is all.
Q He is some relation to Joe Bancard or Lynch? A Yes sir, he said so.

- - - - - - - - - - - - - -

This testimony will also be filed in the case of Galvin Rose, S.F.A. No.777.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission of the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of the stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 6th day of October, 1908.

[illegible]

[illegible]

No. D 772

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.. . .

by delivering a true copy thereof on the

day of ... A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

Notary Public.

PROOF OF SERVICE MADE
BY [illegible] WITH
[illegible] MARSHAL.

SEP

NOTICE!

IN THE MATTER OF the application of Colvin Ross for enrollment as a Cherokee citizen:

Case No. D 777

To Colvin Ross Vinita

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory Indian Territory, on Oct 7, 1901 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 11 1901

L B Bell

N W Harris

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

[illegible] et al

577

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1908.

[illegible],
Attorneys for Cherokee Nation.

By _____

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
13478-1906.

February 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen by Calvin Ross for himself, his wife, Maggie, and his minor children, Henry, John, Amanda, Mary, Artie, Minnie and Frank Ross.

February 13, 1906, the Commission decided adversely to all the applicants.

The record shows that Calvin and Maggie Ross were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they left the Cherokee Nation during the war and did not return on or before February 11, 1867. The minor applicants are the children of Calvin and Maggie Ross. None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. B. Reynolds,

Acting Commissioner.

M.S.N.
G.

-COPY-

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D. C. 24330
I. T. D. 2034,8575-1905.

June 12, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 24, 1905, the decision of the Commission to the Five Civilized Tribes dated February 13, 1905, denying the application of Calvin Ross for the enrollment of himself, his wife, Maggie Ross, and his minor children, Henry, John, Mandy, Mary, Artie, Minnie, and Frank Ross, as Cherokee freedmen is hereby affirmed.

The right of Laura Ross, now an adult and shown to have been married since the date of the original application, is not passed upon in this decision.

A copy of the Indian Office letter is inclosed.

A motion for review of said decision filed with the Department September 7, 1905, by Messrs. Rhea & Bulger and McCown, Servey & Mahan, on behalf of said applicants, is hereby denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 777

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 20, 1906

Bell , Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rejecting the application for the enrollment of Calvin Rees and his family as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 12, 1906. A motion for review of the Commission's decision filed by the attorneys for applicants on September 7, 1905, was denied by the Department on the same date.

A copy of Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner

L M B

Encl. B-66

Cher. Fr.D-778

Cher. Fr.D-778

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Jeann Rayler for enrollment as a Cherokee Freedman; said Rayler being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. J. R. Sequichie, Agent for Applicant.
Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A Jeann Taylor.
Q How old are you? A 50.
Q What is your post office? A Pongo.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three children.
Q What are the names of your children? A David.
Q David what? A Taylor.
Q How old is he? A About 14.
Q The next child? A Tinnie.
Q Boy? A Yes, sir.
Q Well, how old is Tinnie? A He is ten.
Q The next one? A Night.
Q What is next one's name? A Arlie.
Q Are these your children you give in here? A No, sir, my sister's children.
Q How many children have you got? A Two.
Q Give me the names of your children? A King David.
Q How old is King David? A 30.
Q Have you got any children of your own under 21 years of age? (Has not.)
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Kern-Clifton.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Henry C. Taylor.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A Bill Lindsey.
Q Was he a Cherokee Indian? A Yes, sir.
Q Well, did you go out of the Nation during the war?
A No, sir.
Q Stay in the Nation all the time? A Yes, sir.
Q Always lived here? A Yes, sir.
Q Why is not your name on the roll of 1880?
A I don't know, as show I didn't get my name on.
Q Have you got any witnesses? A Ann Polly Sivens.

BY MR. SEQUICHIE

Q Mrs. Taylor what year were you married to Henry Taylor?
A I could not tell you, we have been married about 21 years to the best of my knowledge.
Q You say you belonged to William Lindsey? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Were you ever out of the Cherokee Nation? A No more than just go out to [illegible] or something like that.
Q Where did you go? A Down to Fort Smith.
Q How long did you stay there? A Sometimes stay all night and day.
Q Is that all? A Yes, sir.
Q Never was out of the Cherokee Nation to live? A No, sir.
Q Do you know the person who you are out on the roll?
A Well I was and I believe was W. I came my children to be just as you mentioned, being married, waiting around to the house and didn't come down to do.

Joann Taylor,--2.

Q Who were you cooking for, do you remember who you were working for during that enrollment in 1880? A I was working for, If I make any mistake, I won't be certain.
Q Were you in the Cherokee Nation at the time?
A Yes, sir, I was.
Q Where were these children born that you speak of that are of age?
A One was born up here on Four Mile Branch and the other was born on what we call In dian Creek, some calls the Greasy Valley.
Q You are on the Kern-Clifton roll? A Yes, sir.
Q On the Wallace roll? A No, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 160, #3960, Joann Taylor, Sequoyah District.

BY COM'R MIDDLES:

Q What was your father's name? A They said his name was George.
Q What was your mother's name? A Siney Lindsey.
Q Did she belong to the same owner you did?
A Yes, sir, belonged to his mother.
Q Where were you born, Joann, do you know? A No, sir, I don't somewhere there about the old place.
Q Were you born in the Cherokee Nation? A Yes, sir.

BY MR. HASTINGS:

Q Where were you living when the war came up? A I was living on Indian Creek.
Q What part of the Nation was that? A Well some calls it Greasy Valley and I don't know what it is more than I know that it went by the name of Indian Creek and some calls it Greasy Valley.
Q When did you go to Fort Gibson after the war?
A I went to Fort Gibson just right after the war, we came down from Indian Creek out on the Four Mile Branch, that is on the old place.
Q Well was the old place on Four Mile Branch? A Yes, sir, that is what it was always called.
Q Well, then you lived on Four Mile Branch before the war?
A No, sir, just after the war, after the war, now.
Q Why do you call it the old place? A Well, because Master Bob lived on it.
Q Bob who? A Dr. Lindsey.
Q Well was that your Master? A No, sir, he was not my Master, he was my Mistress' son, one of her sons.
Q Named Bob Lindsey? A Yes, sir.
Q Well, now, your Mistress lived on Indian Creek, or Greasy Valley, before the war? A No I don't know she lived on there, she lived on this old place, we lived up there.
Q Who did you live with? A Bill Lindsey.
Q Who that her son? A He was her son, Bill Lindsey.
Q Well did your old Mistress have any other children?
A She didn't have any other one that I know of.
Q What? A Not as I know of, there was one I remember he had one named John, but he died just when I don't remember, he died and that is all the children I remember.
Q Well, was Bill married? A Bill Lindsey had children.
Q Well, was he married? A Yes, sir.
Q What was his wife's name? A [illegible].
Q What was his children's name? A Jane and Bettie and the one called girl.
Q [illegible] A No, sir.

Q Well, who were you neighbors down there? A I could not tell
who all was our neighbors, I can tell you some of them.
Q That is what I want to know? A Mr. Pershears and Mr., I
can't think of his name; Mr. Smith, Bill Smith, I believe they
called him/ he lived up there closest around I knew anything
about, you knew I was small and I was in the house..
Q well, what kind of a house did Bill Lindsey live in?
A Now, Mr. Hastings, you were me to tell the truth.
Q well, just ans er the question? A I don't know any more than
we just lived in a log house.
Q Do y ou remember a place they call Dora, Arkansas?
A Down here?
Q Yes? A Yes, sir, I li ve close to Dora now.
Q Well, where were you married first? A First time I was married?
Q Yes? A First time I was married right in across the river in
the Choctaw Nation.
Q Well, at what place? A It is called Mr. Walsh's place at my
auntie's.
Q Where was that child Parlee Mason born? A He was born up here
on Four Mile Branch.
Q You have got a son-in-law by the name of Sayers? A Yes, sir.
Q Did he marry one of your daughters? A Yes, sir, he married
Parlee.
Q Where was he and Parlee married? A Just down ther e across the
river.
Q Diwb tgerew A went down to Van Buren and married.
BY COM'R MEKEELES: Van Buren, Arkansas? A Yes, sir.
BY MR. HASTINGS: Well y ou were living down there at that time?
A No, sir, I wasn't living down there.
Q Did you hear him give his testimony in before the Korn Chiftes
Commission? A No, sir, I didn't; I wasn't there. I know he
give it in; he give it in because he was married and they separated.
He d one that to try to destroy her.
Q Did your Mistress have a son by the name of Jim? A No, sir.
Q Didn't you testify before that she had a son by the name of
Jim? A No, sir, I didn't.
Q What do you say her first name was? A I said her first name;
no, I never did tell you what her first name was, I don't know her
first name.
Q Haven't you t estified to it, whether it was Mary Jane or what?
A I said her name was Sallie Lindsey.
Q Didn't you testify before t hat you lived up for in Fort
Smith before the war? A Just in time of the war?
Q Didn't you testify that before? A We came down here in time
of the war.
Q From where? A From Greasy Valley.
Q Did you ever know Polly Simms before the war? A It was in
time of the war.
Q That was where you did not know her? A Yes, sir, down at Fort
Smith.
Q Did you know her after the war? A Yes, sir, I lived right
by her a long ad about the war.
Q Now, where were you when the war closed? A I was down by Gowen
somewhere on the old place, staying with me by the name of Pardner
Q Did you live on the old place, staying with me by the name of Pardner
I don't know what his name was, that was up there on the old place
Q Bill Lindsey came up there and said he had to marry up me to Gowen.
Q Had you lived before the war? A Yes, sir.
Q How long did you live on Greasy Valley after the war?
A I don't know how long we stayed, didn't stay up there quite
a long time.
Q We came down here after the close of the war.
Q Where did the close of the war find you?
A On the Four Mile Branch.
Q With whom were you living at that time? A We had come up there

Q Mast er Bob Lindsey's old place? A Yes, sir.
Q He was there? A Yes, sir.
Q His mother was Sallie? A No, sir, his mother was Sarah.
Q Well, now, who were you living with at the close of the war?
A We was staying right there with, I don't know, who was staying on the place.
Q Who was you living with? A I was staying with the man who stayed on the place.
Q What was his name? A I told you before I don't know what his name was.
Q How long did you stay with him; was he a white man or colored man? A He was an Indian.
Q You were living with him there and don't know what his name was?
A I don' remember what his name was.
Q How long did you stay with him? A I stayed there four or five years on the place.
Q Just you and that man? A No, sir, I went to twon and stayed around nursing, staying backwards and forwards.
Q Did that man have a family? A I don't know whether he had a family or not; he had a woman living with him, she was a negro.
Q What was her name? A Her name was Jane.
Q Jane what? A All I know we called her Aunt Jane.
Q You don't know the rest of her name? A No, sir.
Q Did she have any children by him? A She had one.
Q What was its name? A Rachel.
Q Do you know the rest of its name? A No, sir.
Q What kind of a house did they live in? A We lived in a double log house.
Q How far from Fort Gibson? A Four Mile.
Q What direction? A North.
Q On which side of Grand river, east orwest ? A It is on the North side of Grand river.
Q Yes, but Grand river runs pretty near North and So th up there?
A It is on this side of the river.
Q On the opposide side from Fort Gibson? A Yes, sir.
Q That is where you lived was it? A Yes, sir.
Q How far from the river? A Wasn't so very far, I could not tell you exactly, because I can't remember, I never paid any attention.
Q You lived there three or four or five years? A We stayed there four or five years I reckon.
Q Did you have any neighbors around thereon? A Yes, sir.
Q Who lived about ? A There was Mar. Johnson, man named Johnson.
Q What was his first name? A His name was, I don't know exactly what his name was, I don't know.
Q Your mother's wasn't up there with you at that time?
A No, sir.
Q No other members of your family were with you up there?
A Nobody but me and my sister.
Q What was her name? A Tempa.
Q Tempa what? A Tempa Lindsey.
Q Is she older or younger than you? A She is younger.
Q Is that man Johnson a white man or colored man, or Indian?
A He is an Indian.
Q Did he have a family? A I don't know whether he had a family or not, I told you he had a Southern colored woman.
Q When Johnson did he have a family? A Yes, sir, he had a family.
Q Do you know what his wife's name was? A No, sir.
Q Did you know any of his children? A No, sir, I didn't.
Q Well, what were you doing up there at that old place? A I was doing just like a lot of other people down I got a chance to run about I run about, I didn't have any particular home.
Q When did you stop being home after the war?
A I never had a home until I married.
Q When did you marry, how long after the war? A About three or four years.

Q You married down there across the river in the Choctaw Nati on?
A Yes, sir, I did.
Q Have you ever been married more than one time? A I have been married twice.
Q Where were you married the second time? A I marri ed down at Fort Gibson, just below Fort Gi bson bottom.
Q On which side of the river? A On this side.
Q When? A It has been about 20 years ago.
Q Where did you and your first husband first keep house?
A We kept house? A I stayed at Au nt's a while, her man, for he went off, and I stayed with my aunt's about a year.
Q Where was your Aunt's? A t was in the Choctaw Nation.
Q Your aunt lives there? A Yes, sir.
Q Well where did you move when you moved from there? A I moved up here on what is called Lees Creek.
Q Well how lon g was that after you married? A I don't know how long it was, Mr. Hastings.
Q Well, about how long? A I reckon it might have been a year after I was married.
Q Was it twenty? A No, sir because he didn't live twenty, didn't live but three years.
Q Where did he die? A He died down there.
Q Where? A Close up on Lees Creek there.
Q On whose place? A We lived near the old brother Johnny Hall, I don't know whether it was his place.
Q Bob Cronice, you knew that fellow didn't you? A Yes, sir.
Q You were living in there close to him? A Yes, sir, I was living there when he died, he didn't die there.
Q Where did he die? A He went to Kan sas and died before he got back.
Q Where did he die? A He di ed somewhere up there about I reckon it might have been in Kansas, I don't know, about there somewhere.
Q Were you with him? A No, sir; I wasn't never have saw hi from that day to this if he lived.
Q How long had he been away from you when he died?
A He has been away about a year.
Q Now, who knows you lived on Lees Creek? A I know lots of them.
Q Well, tell me some of them so I can put it in the record?
A I don't know who here knows it except my aunt, she is not here.
Q She lives in the Choctaw Nation? A Yes, sir, I told her I was going up there.
Q How long did you live on Lees Creek? A I didn't stay up there long until I I came back.
Q Well, about how man y years, a year? A No, sir.
Q Six months? A I don't know.
Q Well, where did you go after you automatic left Lees Creek?
A went to Fort Gi bson.
Q How, you went near Fort Gi bson? A I came back to old Brother Aaron Johnson.
Q Now, what direction and how far from Fort Gi bson did Aaron John son live? A About four miles.
Q What direction? A Out North.
Q You on what side of Grand river did Aaron Johnson live? A On the same side I lived.
Q Do you mean on the opposite side from Fort Gibson?
A Yes, sir, it is on the opposite side, you know, west is Fort Gibson.
Q On the same side of the river Fort Gibson is on or on the opposite side from Fort Gibson? A I would call it on the right hand side; the river is on the left hand side of Fo rt Gibson from as much as I know (indicating.)
Q Did Aaron Johnson live on the same side of the river Fort Gibson is on or on the opposite side? A On the opposite side.

Q Right by Fort Gibson? A Yes, sir.
Q How long did you live there? A With Uncle Aaron, I stayed there a long time, I don't talk because I could not remember.
Q Well, about how long? A I don't know.
Q Number of years? A I don't know.
Q Six months? A I don't know.
Q Well, did you stay there six weeks? A Yes, sir, I stayed there six weeks.
Q Well, did you stay there six months? A I don't know.
Q Well, where did you go from Aaron Johnson's? A When I left Aaron Johnson I come back down here on the river down there in the bottom what is called Webbers Falls.
Q Well who did you live with down there? A I went down there and married this man I got now.
Q How many years ago is that? A About twenty years ago.
Q You married in the Webbers Falls bottom did you?
A Yes, sir.
Q Who married you? A Mr. Chasting.
Q Was he a colored man? A No, sir, he was an Indian man.
Q Cherokee was he? A I guess so.
Q What town did he live in? A I don't know, he was there picking cotton.
Q He was a preacher and Indian and picking cotton?
A He was picking cotton.
Q On whose place? A I don't know.
Q On whose place were you living when you marri ed?
A I don't know, I went down there and married this man; he was working on the river running the river, I could not tell.
Q Now, whose place did you commence to live on right then?
A I didn't live on anybody's place, we lived on the water until he got back up there to Gibson and I went out there just one place to another.
Q Now, where did you first commence living in a house with him, this last husband? A I commenced there about Gibson at Uncle Aaron's.
Q You only stayed with him about six mont s, where did you first commence keeping house with him? A We commenced keeping house down there in the bottom.
Q And you don't know whose place it was on? A No, sir.
Q Don't know who lived around there? A No! sir, because in them days I didn't know.
Q Now as a matter of fact you livedin Arkansas didn't you?
A No, sir, I didn't li ve in Arkansas.
Q And this girl, Parlee, was born in Arkansas? A No, sir.
Q She was married in Arkansas? A Yes, sir.
Q And you were living down there and had been for years when she was married? A No, no, no! you bring William up and he will speak for himself, he married that gal.
Q Where did you know Polly Stivens, did you live with her after the war? A I worked for her.
Q What did you do? A Washed dishes! she was there at the time the people was ordered out of there.
Q What for? A I don't know what. they was going out for some thing, but I don't know what it was, for the cholera or what it was, they all had to get out of Fort Gibson.
Q Where was she living at that time? A She was there in a boarding house to all I can tell you.
Q Was she working in the boarding house or running the boarding house? A She was working in the boarding house.
Q Do you know who owned the boarding house?
A No, sir.
Q Was it on the hill, spring or what or? A It was on the water and I carried dishes and her cooking.

Joann Taylor.--7.

Q You don't remember anybody else you saw there at all?
A Yes, sir, I seen people coming in and out all the time.
Q Don't remember any of their names? A No, I ain't going to stand for any body's names unless I kn ow them.
Q You didn't have Polly to testify for you before?
A No, si r; you knew the man I had them.

BY MR. SEQUICHIE:

Q All this time during the war, the time you were in Fort Gibson and up to the time you were married and the time your husband left you and you knew Polly Ni vens, was in the Cherokee Nation?
A Yes, sir.
Q Now, in speaking about li ving four miles north of Fort Gibson, in going from Fort Gibson to where you lived did ye u have to cross Fort Gibson? A No, sir, just going right up.
Q That was in the Cherokee Nation was it? A Yes, sir.
BY COM'R NEEDLES: Did you ever live in the State of Arkansas?
A No, sir, I ain't.
BY MR. HASTINGS: Did you ever work there? A Yes, si r, I have went out and come in.
Q Where did you work in Arkansas? A I just go in there and stay a day ne t o at a time.
Q Well, what town? A Fort Smith.
Q Well, what other place? A I ain't been to no other place.
Q Do you know Jim Reynolds at Benge, Indian Territory?
A Yes, si r.
Q He knew you in Arkansas didn't he? A No, sir, he didn't.
Q Well, when did you get acqu ainted with him? A I got acquainted with him right here in the Cherokee Nation, first time I ever seed him.
Q Before or after the war? A Here away since the war.

Remainder of application reported by Stenographer M. D. Green.

---ooo0000ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in t his case, an d that the foregoing is a tr ue and correct transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 24 day of July, 1901.

Commissioner.

This page continued from notes of J.O.Rosson, stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28,1901.

In the matter of the application of Joann Taylor for the enrollment of herself.

POLLY NIVENS, being sworn and examined by Commissioner Needles, testified as follows:

Appearances: Jo. Sequichie, agent for applicant;
W.W.Hastings, Cherokee Representative.

Q What is your name? A Polly Nivens.
Q How old are you? A 56 years old.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Acknowledged by the Cherokee authorities? A Yes sir.
Q Do you know Joann Taylor? A Yes sir.
Q How long have you known her? A Just since Peace was made.
Q Where has she lived since that time? A She has lived around Ft. Gibson just after peace was made awhile, and when the cholera broke out they ordered us all out of Gibson, and I went out in the country to my mother's and she went to Four Mile Branch, and I saw her for awhile after that around Gibson, Ft. Gibson, working and after that I don't know.
Q Who did she belong to? A She belonged to Mr. Taylor, she said.

BY MR. SEQUICHIE:

Q You knew her right after the war? A Yes sir.
Q Where did she come from to Ft. Gibson? A She said she come with the refugees; there was a whole lot of the refugees.
Q Whereabouts did she stop the first time she got to Ft. Gibson? A She stopped on the hill with aunt Mariah Wickett, Ft. Gibson.
Q Did she make any permanent home there that you know of? A No sir, not in Gibson; she vacordered away fromgt. Gibson when the cholera got so bad, and she went on Four Mile Branch, and the next time I saw her she said she had a home on Fourteen Mile Creek.
Q You know who she lived with in Ft. Gibson? A With aunt Mariah Wickett, part Cherokee and part mixed.
Q Did you ever know Aaron Johnson, who lived about four miles from there? A Yes sir.
Q Was he a darkey? A Yes sir.
Q Freedman? A Yes sir.
Q Have you kept her continuously from that time on to the present? A Yes sir, but I haven't saw her for a good many years.
Q Have you heard of her? A Yes sir, I heard of her down in Sand Town but I haven't seen her.

BY MR. NEEDLES:

Q She was living at aunt Mariah Wickett's when you knew her? A Yes sir. Up on the hill in old town.
Q Was your mother living with her? A Yes sir, she said her mother was living with her.
Q Do you know the name? Yes sir, [illegible]
Q What was her mother's name? A I don't know her mother's name.
Q You have her father on that there? A Yes sir.
Q What was her father's name? A I don't know her father's name.
Q Did you ever know her any place by her mother's name? A No sir.
Q What was her father's name, and I have forgotten it.
A [illegible] Taylor? A [illegible] which she pronounces a Taylor.
Q Do you know when she first came? A No sir, I don't remember when.
Q Do you know [illegible] A [illegible] No sir.
Q Do you know [illegible] A [illegible] No sir.
Q [illegible] A [illegible]
Q [illegible] A [illegible]

Jo ann Taylor R

was a white man and she was part Cherokee, his wife.
Q How long did she work there? A About three months, just often and one, two or three weeks at a time.
Q Where would she go, up to Aunt Mariah Wiggett's? A Yes sir.
Q You say her at aunt Mariah Wiggett's? A Yes sir, said to be her mother.
Q That was after the war? A Yes sir, that's all I know about it.
Q You say she came back with the refugees? A Yes sir.
Q Where from? A I don't know where she came from the south or the north, when I saw her she was standing up there with a whole lot of refugees, and I said you darkies just getting in.
Q Where did she say she was from? A I don't know, she came from either north or south, I ~~don't know~~, I didn't ask her, she said she just gotin.

BY COM'R MEDLES:

Q How do you know she just came from the north or south? A She said she just got in with the refugees.

BY MR. HASTINGS:

Q You saw her there working around three or four months? A Yes sir.
Q And after that time you didn't see her for a good long while? A Yes sir, I saw her once, she went on Four Mile Branch; we wasn't allowed to go to Gibson.
Q That was during cholera time? A Yes sir.
Q On whose place did you see her on Four Mile Branch? A At the church.
Q Who was preaching? A Old uncle Nathan Tyner.
Q Who was the church house? A I don't know, it was on Four Mile Branch that was a log house they built there.
Q Good big crowd there? A Oh yes, there was many darkies moved there at that time ~~from~~ from the cholera.
Q You don't know who she was living with there? A No sir, I never asked her.
Q Did she have any brothers or sisters? A I don't know that, we and her was living together part of the time, sleeping together, that's how I come to get acquainted with her; she would live with me awhile and I would live with her awhile.
Q Did you testify ~~about~~ for her before the Dawes Citizen Commission? A No sir.
Q What are you doing up here? A My sister is up here, and she sent for me to help her and I am up here to help her; she sent for me.
Q You never know of her keeping house down around yo, Gibson along there? A Not by no myself.
Q Never after she was married? A No sir.
Q You don't know where she was married? A No sir.
Q When you first knew her she went by the name of Taylor? A Yes sir
Q She went by the name of Joanna Taylor? A Yes sir.
Q And that when you knew her in '66? A Yes sir, I just called her Joanna Taylor, I didn't know her husband's name.
Q Was Joanna's husband's name was Taylor? A No sir
Q You don't know what her husband's name was, was Taylor? A Yes sir.
Q You don't know what her name was, was Taylor? A Yes sir.
Q You don't know what her name, you don't know her husband's name?
A No sir, I never asked her nothing about it at all.

Rachel Williams, being sworn and examined by Com'r Medlen, testified as follows:

Q What is your name? A Rachel Williams.
Q Rachel, I want you to understand with her during the reconstruction period, I wouldn't help her.
Q Was the first time you ever saw this applicant was during the war? A Yes sir.

Q Do you know where she has been living since that? A No sir.
Q You just got acquainted with her then? A Yes sir.
BY MR. HASTINGS:
Q Where did you live before the war? A In the Cherokee Nation, in Flint.
Q How far is that from Greasy Valley? A I couldn't tell you.
Q Greasy Valley runs right down through Flint don't it? A I don't suppose it do run right down through I guess it runs near Sally Bark's old place, Mrs. Campbell's house, Sam Chambers and George Chambers.
Q How far did you live from Greasy Valley? A I couldn't tell you. I lived close to George Chambers and Sam Chambers, everybody knows me in this Cherokee Nation.

POLLY NIVENS, re-called, and further examined:

BY COM'R MEADLEY:
Q By what name did you know this woman when you knew her at Vinson? A Joanna, after her master's name.
Q Joanna what? A
By MR. SEQUICHIE: Lindsey.
A Witness: Joanna Lindsey.
Q Did you know her then by the name of Taylor? A No sir
Q When did you hear of her being going by the name of Taylor?
A I don't know, it was a long time afterwards.
BY MR. HASTINGS: The representatives of the Cherokee Nation desire to call attention to the fact that this witness was excused and another short witness put upon the stand, and then the witness re-called and correcting this statement after the name of Lindsey being given by the agent for the applicant.
BY MR. SEQUICHIE: The agent denies the statement of the representative of the Cherokee Nation.
Com'r MEADLEY: The Commission is satisfied the witness made a mistake, and the Commission has a right to call any of the witnesses back, and the opinion of the Commission is that the witness stated the word Taylor by mistake.

Com'r Meadley: Joanna Taylor applies for the enrollment of herself; she is not identified upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kow-Eskiten pay roll; she avers that she was a slave of one Lindsey, and she never removed from the Cherokee nation; she will not be listed for enrollment as a Cherokee freedman on a Dawes roll; she will be notified by mail of the decision of the Commission in her application.

E.B. Green, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes to correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 24, 1907.

[signature]

C.F. D-778.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Joann Taylor for enrollment as a Cherokee freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

DELLA PETTUS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A My name Della Pettus.

Q Where do you live, what is your postoffice? A Pawpaw.

Q In the Cherokee Nation? A Yes, sir.

Q How far is that from Fort Smith? A They call it about six miles.

Q West of Fort Smith, this side of Fort Smith? A No, Fort Smith is down the river you know.

Q Well, you are over on the Territory side? A Yes, sir I is.

Q How old are you? A Oh I don't know, I have been here so long; my mammy told me I was a baby - I am so old I hate to tell you - my mammy told me I was a baby in the cradle when those first stars fell, in old Virginia, and my head aint so white from that time.

Q You were born in old Virginia, then? A Born in old Virginia, belonged to the Pettuses.

Q When did you leave Virginia? A I left Virginia when I was about this high; handed bread around the table in slave time.

Q Four, five or six years old? A I expect older than that.

Q When you left over there? A Yes, sir.

Q About ten years old? A Yes, sir.

Q You left Virginia before the war? A Well I reckon I did, I remember the Mexican war before this war, I remember it very easy.

Q Where were you living when the war came up? A Down in Little River County.

Q What state? A In Arkansas, down south in Little River County.

Q What town was near you? A Town they called Paraclifflie.

Q Well, were you living there after the war; where were you living after the war? A Why we lived right there till the Yank. came down and freed us and told us we had to go and work for ourselves.

Q Where were you living after the war? A After the war, the second year we came up here.

Q Up where? A Up here on Arkansas River close down there to Fist Rock.

Q That was in Arkansas though? A Yes, sir, that was in Arkansas.

Q Well the second year after the war you moved from where you were living in Arkansas to another place up above in Arkansas? A Yes, sir.

Q How to what town did you move the second year after the war?

A We came here near Fort Smith.

Q How far below Fort Smith was that? A We went down to old Fort Smith and pinched cotton.

Q How far from town, how many miles? A I don't know how far.

Q Was the town above, about eight or ten or twelve miles below Fort Smith?

A Below Fort Smith? A Yes, sir, about ten miles.

Q In the Sans people house, a colored woman, was to living there on

A In Fort Smith.

Q That is near the postoffice they call Bonneyville? A I don't know

Q Was the postoffice, well I am near enough to the railroad to know where they call Bonneyville, well I am near enough to the railroad to know the depot called.

Q Was this house in town? A Yes, sir, I know her well.

Q How long have you known her? A Good deal of her around

Q Do you know how long she was living there? A Well I know I was there and I been knowing that woman, we did her mother, we was

church, sat in the men corner together.

Q Where at? A In the Baptist Church, in a little Church they call the Saint Paul Church.

Q Was that down below Van Buren? A Yes, sir.

Q And you moved up there the second year after peace? A Yes, sir.

Q Was she living up there then? A She was living on a little bottom they called the Jack Brown bottom, and he lived up there and after the war he moved to Van Buren, because we have been to his house many a time since he moved.

Q Did you know this woman down there, Joann Taylor? A Yes, sir, I knew her.

Q What was she doing down there? A I don't know, just knocking around trying to make a living like the rest.

Q She lived down in that neighborhood? A Yes, sir, lived in the neighborhood and all around in the bottom, got tired of one place and moved to another just like I did.

Q How long have you been up here in the Territory? A I been up here about ten years.

Q Which one of you left down there first, which came to the Territory first? A I came up here first.

Q Well, now, if I understand you right, you knew her down there in that neighborhood below Van Buren from the second year after the war up till the time you left there about ten years ago? A Yes, sir, and knowing her now and seeing her now and then now.

Q Did you ever hear her say anything about belonging up here in this country? A Never heard her say anything about it, talk about a she belongs to the Indians, till I heard Smyers, I can't tell you what her son-in-law's name was, was at my house one day and he was talking to her brother-in-law, and during this talk.

Q You knew him? A Yes, sir.

Q You never heard her talk about it till Smyers said something about it? A No, sir.

Q Where did Smyers marry her daughter? A Down on Littlejohn's lease.

Q Did Joan Taylor have any other children down there? A Had a boy they used to call Lincoln Taylor, and since he came up here they call him Davis, or something or nother.

Q Changed his name? A He used to call him Lincoln Taylor and they call him Lincoln Davis.

Q Have any other children? A Never knew her to have any but them.

Q Them two? A Yes, sir, and then her sister died, she went down there and got her sister's children, two or three. I don't know, but I seen her with them.

Q What was her sister's name? A I don't know; her sister died way down there somewhere.

Q In Arkansas? A Yes, sir, I think it was in Arkansas.

Q You don't know who she belonged to before the war? A No, sir, I don't know anything more about her owners than these people, don't know who she belonged to.

Q Did she have any husband down there? A Had an old man she called Doctor Taylor and I reckon she got him now.

Q Did you see him up here? A Yes, sir.

Q Was that she lived with down there? A Yes, sir. His name was [illegible] I don't know whether she was married to him.

Q Don't know whether she married him or not? A No, sir.

Q Now, Auntie, where do you live, you say? A Down on the Muskogee [illegible] Auntie, where do you live, you say? A [illegible]

Q How long have you been living there? A [illegible] a little [illegible] after statehood.

Q Then, this last enrollment? A Yes, sir.

Q Where did you move from? A Moved from right across the road, into the house.

Q How long have you been in the Cherokee Nation? A Been here about ten years.

Q Where did you come from then? A Came from Below Van Buren.

Q How long did you live there? A Now I can't tell you, I lived there so long I got tired and ~~xxxx~~ ashamed and come out.

Q What makes you remember so well you came here ten years? A It was nearly about ten years, because I have a boy at home is a good scholar, and I was asking him how long we been up here, and he set down and called it off to me.

Q He didn't tell you how long he lived in Van Buren? A No, sir, because he was a little boy himself when he came there; I went to work and made him go to school so he could learn it.

Q Where did you come from to Van Buren? A Come from out of Little River County away down south.

Q Did you live down there? A There is where the yoke was took off the neck down there.

Q How far south was that? A Close by a little town they call Paricliffie, down in the Little River bottom.

Q Did you live there? A Yes, sir.

Q Live in a house of your own? A No, sir, lived with the white folks.

Q How long did you live with the white folks? A Well we were freed I think they told us we were freed either in July or August, and the white people asked us was we going to leave them and I told them no, we were going to stay and help them gather the crop and put everything by before we left.

Q When was that? A A little after we were freed.

Q How long after you were freed did you leave up there? A We left there, we made a own crop and in the fall we moved away from up there time early enough to pick cotton.

Q After you were freed? A Yes, sir, we made a little corn crop and gathered a little corn crop and when we got up here there was frost.

Q Then the time you were freed and after that, the fall after that, is when you came up here, is it? A Yes, sir.

Q And have you been up here ever since? A Yes, sir.

Commission: You mean you went to Van Buren? A Yes, sir, ~~xxxx~~ went through Van Buren and went down in the bottom, but we go to Van Buren to do our trading.

Mr. Seguichie: Do you know what year it was you were freed? A No, sir, I don't know, I wish somebody would tell me.

Q Talking about this Joan Taylor, how long after you were freed before you saw her there close to Paricliffie? A Well, I first knew Joann Taylor, it was in the second year of the surrender, she was living at a little house they call the Jack Brown place.

Q The second year after the surrender? A Yes, sir.

Q Where was that? A It was below Van Buren, about two miles and a half, right across Flat Creek.

Q Did Joann Taylor and her husband live there at that place?

A Lived right there together then.

Q Were they keeping house? A Yes, sir, keeping house: she wanted me to go to the house: where was where she lived: and I told her the old man was ready to go.

Q Go to where? A Go home, we had been to church.

Q Do you know whether they lived in a house of their own or rented house? A They rented ground from Jack Brown, just like anybody rented ground.

Q Where was it that Joann Taylor married? A I don't know where she married.

Q Was she living with this gentleman at that place? A Yes, sir. Living with this white man.

Q How long had you lived up in the Cherokee Nation before you saw Joann again? A Well, I came up here and I could not say exact why time but again.

I wanted to when I went to Fort Smith.

Q After you moved up here, moved to Van Buren? A I didn't live in Van Buren.

Q Then after you moved to Pawpaw or wherever you live now? A Live now on old man Joe Bowers' place.

Q After you moved up there, how long was it before you saw Joann Taylor again? A I tell you I see her most any Saturday when I went to town when she came in.

Q Came in from where? A Came in from Garrison Creek, or somewhere out there where she lived. Joann Taylor is no more than one of my children, I have been knowing her so long.

SALLIE YOUNGBLOOD, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Sallie Youngblood.

Q What is your postoffice? A At Gann's Switch.

Q You live in Sequoyah district? A Yes, sir.

Q Cherokee Nation? A Yes, sir, live in a mile and a half of Gann's.

Q How old are you? A I was ten years old when the war closed, and that is all I can tell you; you can count from that.

Q Well you are about 50. Where were you born? A In Henry County, Missouri, near Calhoun.

Q Where were you the first few years after the war, from '65 to '70, '64, '5 and '6, just after the war, where were you? A I was in the Choctaw Nation over at Skullyville.

Q Where were you married? A Van Buren, Crawford County.

Q About how old were you when you were married? A I just can't tell you.

Q Were you just about grown? A I reckon I was grown, I thought I was grown.

Q You think you were as much as 20 or '1 or '2 when you were married? A I don't know, I might have been, I can't tell you, only I am satisfied I was grown.

Q How old is your oldest child; do you know anything about that? A No, sir, I don't; my house got burned up and I got her age burned up.

Q Your oldest child was a girl? A Yes, sir, my oldest child living was a girl.

Q Is she alive? A Yes, sir.

Q Is she married? A She has been married, she is in her grass widowhood now.

Q How long ago was she married? A It has been about 6 years ago because her husband died.

Q Do you know Joann Taylor? A I do.

Q Now that is the Joann Taylor that lives down near Fort Smith on Garrison Creek? A Yes, sir.

Q A colored woman? A Yes, sir.

Q An orphan boy was enrolled as a citizen of the Cherokee Nation; how long have you known her? A Well, I don't know how many years, I can't tell you when I first got acquainted with her.

Q Well, tell me about it? A My mother lived in Captain Lillington's place, the place he was called the Major Ross place and they had lived from Milton to Captain Lillington's place, and there is where I first got acquainted with her, by visiting the children, and my boy, one of the oldest girls, she was just walking around when I got acquainted with her.

Q This Joann child was just walking around when you got acquainted with her? A Yes, sir.

Q Did you know her mother and dad the war closed? A Yes, sir.

Q You said you knew her at Captain Lillington's; those people were slaves, in some capacity? A No, sir, they were free.

Q In Arkansas? A Yes, sir, in Arkansas.

Q Well, how far did you live from her at that time? A When I first got acquainted with her, four miles, called it four miles from my house to Captain Littlejohn's place.

Q How long did you continue to live in the neighborhood near her? A I lived there 20 years.

Q Which moved away first, you or she? A I moved away first and I moved up there on Mr. Southmade's place.

Q How far? A They called it ten miles from where I moved from.

Q Did you continue to live in Arkansas? A Yes, sir.

Q How long did you know her to live in Arkansas? A She been living in Arkansas ever since I got acquainted with her.

Q About how long ago when she moved up here? A I can't tell you, she was gone from Arkansas when I moved up here.

Q When did you move up here? A I don't remember just what year, but I been up here about ten years.

Q You left there after she had been gone from there when you moved up? A As well as I can remember she had been gone from there about a year.

Q Now from the time your oldest child was first able to sit alone, when you first knew Joann Taylor, did you know her to live somewhere in the neighborhood in Arkansas, from one place to another, up until about ten or eleven years ago? A Yes, sir.

Q You knew her all that time? A Yes, sir, been to church with her and she has been to my house, old acquaintances.

Q Knew her well? A Oh yes sir, I have stayed all night at her house, she is no stranger to me.

Q You know her family? A Yes, sir.

Q You know her husband? A Yes, sir, I reckon he is her husband.

Q She claimed him? A Yes, sir.

Q What children did she have? A Had a girl and a boy.

Q What was the girl's name? A Paralee.

Q Who did she marry? A Married William Myers.

Q Where did she marry him? A Married him down, as well as I can remember, she married him on the Jack Brown place.

Q Joann Taylor have any other children? A Had a boy, they called him Lincoln Taylor, but they have changed his name.

Q What do they call him up here? A I don't know sir what they call him up here, I am telling you what his name was when I was acquainted with him, and I reckon I will be acquainted with him till God calls me away.

Q You know this is the same Joann Taylor that is living down here in Sequoyah District on Garrison Creek? A I do sir, for a fact.

Mr. Sequichie: You say they have changed that boy's name? A Yes sir.

Q What do they call him up here? A I don't know what they call him now, but his right name what he went by is Lincoln Taylor.

Q How do you know they have changed his name? A I have heard people say they did, that is why.

Q Where did you say he lives now? A I don't know where he lives.

Q Where do you live now? A I live down close to Gunny Switch.

Q How long did you live in Missouri? A I was born there and stayed there till I was ten years old, I left there the first year of the war when I was ten years old.

Q How long did you live in Arkansas close to where this Joann Taylor lived? A I can't tell you, I just can't tell you how long.

Q Was yourself? A Longer than that I reckon. I can't tell you.

Q How long after the war was it you saw Joann Taylor close to Captain Littlejohn's place? A I can't tell you.

Q Was Captain Littlejohn a white man or a Cherokee Indian? A I reckon he was a white man, he was living in the state. I can't tell you.

Q You don't know how long it was you lived there by this woman?
A No, sir, it has been so long I can't tell you how long, because I have been knowing her.
Q She moved away from there before you did? A Yes, sir, she left before I did.
Q How long was that? A As well as I can remember, about a year.
Q ~~Further~~ Before you moved away from there? A Before I moved away from there.
Q Do you know where she went? A I don't know where she went.
Q Didn't see her any more until you met up in the Cherokee Nation?
A No, sir.
Q Where was that at? A I saw her right in Fort Smith, she told me she was living up in the Nation, and asked me where I lived, and I told her I lived up close to Redland.
Q Have you ever been to her house where she lives now? A No, sir, I was two miles of her house about three years ago; but she was at my house last fall..

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~~Bruce Jones, appearing before the Commission~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of September, 1901.

M. A. Green
Notary Public.

Cher.Fr.D-778.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 19, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOANN TAYLOR as a Cherokee Freedman.

JOANN TAYLOR, being first duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is your name? A Joann Lindsey, Joann Taylor now
Q How old are you? A I am about - I don't know exactly, about fifty-six or -seven.
Q What is your post office address? A Garrison Creek.
Q Where do you get your mail? A Garrison Creek.
Q Your post office is given here as Benge?
A I can get it there too.
Q Where do you generally get your mail? A Garrison Creek.
Q Indian Territory? A Yes sir.
Q Who did you belong to before the war? A William Lindsey.
Q Was he a Cherokee citize ? A Yes sir.
Q Did you belong to William Lindsey at the beginning of the rebellion? A I reckon I was. I always stayed with him and Marse Robert.
Q Who was Marse Robert? A Bob Lindsey, that's Dr. Lindsey. He lives here at Gibson, everybody knows him well.
Q Which one did you belong to? A I claim Marse William. Sometimes they called him Bill, but its the same thing.
Q Did you leave the Cherokee Nation during the war? A No sir.
Q Never went out? A No sir, never was down here until three years and some after the war.
Q Where did you live at the commencement of the war?
A The place was called Greasy Valley.
Q What district is that? A I don't know.
Q In the Cherokee Nation? A Yes sir.
Q Did you live right there at the same place all the time while the war was going on? A Yes sir, stayed right there till three years after the war, I don't know just exactly when Marse William moved.
Q You stayed right at the same place until about three years after the war? A Yes sir, as well as I can recollect.
Q Where did you go to then? A I went down to Brushy Creek.
Q Where is that? A I can't state, just up here.
Q In the Cherokee Nation? A Yes sir.
Q How long after the war before you went to Arkansas?
A Why I couldn't tell you when I went to Arkansas. I aint went there at all to live.
Q How long after the war did you go over there? A I couldn't tell you the first time I ever went to Fort Smith in my life, I couldn't tell you, I have been to Fort Smith lots of times. Never have went there to live.
Q Did you know Bella Potter? A Yes sir, slightly acquainted with her, been knowing them about six or seven years.
Q When did you get acquainted with her? A About six or seven years ago. When she moved here close to us I got acquainted with her.
Q When is the last time you lived in Arkansas? A Never did.
Q Never lived there at all? A I went out to cook three or four months.
Q When did you go out to cook there? A I cooked there the year before - like two or three years ago. I cook a little there every year, maybe a month, sometimes two months, never cook long at a time.
Q What is the longest time you ever stayed in Arkansas at one time?
A I guess about two months, when I am cooking.

Q Do you know Sallie Youngblood? A Yes sir.
Q Do you remember the time the treaty between the United States and the Cherokee Nation was passed, that gives the Cherokee Freedmen rights here? A No sir, if I do I never paid no attention to it.
Q You don't remember hearing any talk about that treaty after the war? A Yes sir, I do, I remember it, but then I never paid no attention to it.
Q Do you know what year this is? A No sir, I don't.
Q Do you know what year the Wallace roll was made?
A They said it was in '66, I don't know.
Q Do you know what year the Wallace payment was made? A To tell you the truth, I forget, because I never paid no attention to it.
Q Which comes first, '66 or '76? A '76 comesfirst.
Q Which year would come first, '76 or '66? A '76, I guess. You see I can't read, and I don't know just to be positive.
Q Did you ever live near Sallie Youngblood? A yes sir, I stayed by Sallie Youngblood a good while when I was staying out to Mose's. We lived out in the Choctaw Nation. Sallie was staying there too. She lived at Dick Brashear's, I lived with Artie Wilson, that's my ~~mother~~ uncle.
Q Did you ever live near Sallie Youngblood in Arkansas?
A No sir, no nearer than Fort Smith.
Q Were you living in Fort Smith? A No sir, I wasn't in Fort Smith
Q You say you never were in Arkansas longer than a few months at a time? A No sir, I wasn't.
Q For what purpose were you in Arkansas? A Working and cooking?
Q When you got through with that work, did you return to the Cherokee Nation? A Right back home.
Q Did you have any property in the Cherokee Nation when you went to Arkansas to cook? A Yes sir.
Q What kind of property did you have? A Had my place, hogs and cows.
What kind of a place did you have? A I have a very good place.
Q Good improvements on the place? A Yes sir.
Q When did you put that improvement on? A That improvement was put on there - I couldn't tell you when it was put on there.
Q How long after the war? A I can't tell you how long after the war I bought the place. There was improvements on it when I bought it.
Q How long ago? A I bought that place six or seven years ago, I guess.
Q Did you ever own any place before six or seven years ago?
A No sir, I rented all the time. I lived on a place
Q During all these times when you went to Arkansas to cook, did you always leave your property in the Cherokee Nation? A Yes sir.
Q What property did you leave? A Left my hogs and cows. I would just about tie up one dress and a handkerchief or something and put in my valise.
Q Have you lived in the Cherokee Nation ever since the war?
A Yes sir, and before the war, ever since I can recollect. I was a little chap the time of the war
Q You never left the Cherokee Nation except for the purpose of hiringout or cooking? A No sir, I never.
Q You never stayed out longer than a few months at a time? A No sir
Q Who did you live with during the war? A I lived with Marse William's wife.
Q William Lindsey's wife? A Yes sir
Q What is her name? A Sallie
Q Were you living with William Lindsey's family at the close of the war? A Yes sir

Q What colored people were living near you at the close of the war?
A All I know was living close to us, old man Funkhouser, he had a lot of colored people then, that's about all I know of was close to us. All the rest was just Cherokees. They wasn't very close to us.
Q How long was it after that before the other colored people came back up there? A Didn't anyone come back up there as I know of, not where I was living. I just lived there a while.
Q Where was William Lindsey living all the time during the war and at the close of the war? A He went in the war.
Q Where did he leave his wife and family? A Up there at Greasy Valley.
Q Is that close to where any town is now? A The closest town I know anything about is called Hogeye. That is near the line. That's all the town I ever heard anything about. It wasn't no town, but I heard them talking about coming to town.
Q When did you first see Polly Ross, or Polly Nivens, after the war?
A Saw her the year the cholera broke out. Come down Brushy Creek and I went to Fort Gibson.
Q You saw her the same year the cholera broke out?
A Yes sir, I knowit is the same year.
Q Was the cholera going on? A The cholera was geingon when I come in town. I was there cooking, went there to cook and wash dishes. It wasn't very long till they ran them all out of Fort Gibson. I went out with them, then I went back up Brushy.
Q How long after the close of the war was it that the cholera broke out? A I couldn't tell you to save my life how long it was, to save my life I couldn't tell you, I don't know.
Q Have you been married? A Yes sir.
Q Whatis your husband's name? A Henry C. Taylor. Some call him Doc for a short name.
Q How long did you say you worked there at FortGibson during the Cholera time? A I don't know.
Q Wasit as long as a year? A Yes sir, I guess it was. We didn't work there that long in town.
Q How long did you work there in town? A I don't know how long it was, it wasn't very long until they had them all runningout.

POLLY ROSS, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Polly Ross.
Q Your nameused to be Polly Nivens? A Yes sir.
Q How old are you? A Close on to 86 years old.
Q What is your postoffice? A Fort Gibson.
Q How long have you lived at Fort Gibson? A All my life.
Q Did you go out of the Cherokee Nation during the war? A No sir. Only went down in the Choctaw Nation and stayed about three weeks down there.
Q When did you come back? A During the war.
Q When did you first get acquainted with Joann Taylor? A The time of the war, after peace was made here, the time of the Cholera.
Q You didn't know her before that time? A No sir
Q How did you come to know her at that time? A She came down to where I was working at Mrs. Thayer's(?), and asked me to get her a job washing dishes.
Q How long did she stay there at that time? A I don't remember how long she washed dishes. I was based down there. I don't remember how long it was.
Q Was that the same year the cholera was going on? A Yes sir

Q After the close of the war? A Yes sir.
Q How long after the close? A I don't know exactly, about two or three years, I guess, maybe not so long, I don't recollect. We all taken the cholera.
Q Do you remember when the treaty was made between the United States and the Cherokee Nation giving rights to the freedmen? A Yes sir.
Q How long after that was it that you met this woman? A That was, I don't know exactly how long afterwards. That was after the cholera. Wasn't that afterthe cholera when the treaty was made.? I don't remember.
Q Do you remember whether the cholera was before the treaty ornot? A The treaty was made before the cholera I think, if I am not mistaken.
Q How long before? A I disremember how long. It wasna8t so very long though, because I know after peace was made I worked at Captain Tom Pack's, I workedthere for Mrs. Pack. He was a captain in the army. He says peace was made, and he says, I am appointed delegate to make a treaty for you all. I didn't study nothing about that, I didn't have much sense.
Q You couldn't say then positively whether you saw her a year or more after the treaty was made? A Yes sir, I saw her there, yes sir, I saw her after peace was made and we all was working around Gibson. When the refugees was drawing rations I was working for Mrs. Pierce. She came through there and I asked her who she was. Se msaid she came from Grassy Valley. The cholera broke out when she was there, it was in the summer.
Q Did she stay there during the time the cholera was raging there? A Yes sir, she stayedthere with me working at that boarding house while the cholera was so bad and so many of them dying.
Q How long did she stay there? A She stayed with me all summer until towards fall and the agent ordered us all out in the country.
Q What time in the fall? A The first of the fall, I don't remember what month it was in.
Q You don't know how long that was after the treaty was made? A No sir, I don't exactly how long it was, noneof us ever kept a record at all.
Q Have you seen this woman frequently since that time? A Never saw her no more for about ~~two years~~ four years and I met her at Four Mile Branch, at a camp meeting.
Q Since that time have you met her? A Never met her.Yes I did.
Q When did you see her the next timeafterthe camp meeting? A A little over a year, I guess, because I asked her, are you going back to Grassy Valley, and she said no I have bee to Fort Smith and everywhere working.
Q When did you see her the next time after that? A Never saw her for about five years after that, when I seen her again.
Q Where did you see her again? A Right in Fort Gibson.
Q Do you know whether this woman ever lived in Arkansas or not? A No sir, I don't know, what you call Arkansas, Fort Smith?
Q Yes ? That's part of Arkansas? A No sir, I couldn't tell whether she ever lived there or not. A heap of niggers went from Fort Gibson to Fort Smith to work.
Q Are you the same Polly Rivers, or Polly Ross, who has testified in a number of these cases? A Yes sir, I was cooking right there at the refugee house, and I know lots of these niggers, and them I didn't know I wouldn't say anything about.

JOHN TAYLOR, Recalled, testified as follows

BY COMMISSION: Did you appear before the Commission December 14, the day your case was set down ? A Yes sir.

Q State why you did not produce your evidence at that time.
A I couldn't get them, she was sick.
Q Who was she? A Her name was Maria Brown.
Q She was sick at that time? A Yes sir.
Q Has she been sick ever since? A Yes sir.
Q Was she physically unable to come before the Commission on Monday?
A Yes sir. You know I told you I was going to send a telegram, I sent out a telegram to her right then.
Q Who else have you got, have you got any other witnesses?
A yes sir; but I got to go home after them.
Q You brought in your witness just as soon as you could after the day t his was set for hearing? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of November, 1903.

Charles H Lamar
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joann Taylor et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Joann Taylor	Cherokee Freedmen D 776
Paralee Albert	Cherokee Freedmen D 1024
King David et al	Cherokee Freedmen D 1026

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Joann Taylor for herself; by Paralee Albert for herself; and by King David for himself and his minor children, Matthew, Robert, Mary, Emilie, Mattie and Paralee David. Application was also made for the enrollment of Laura David as a Cherokee freedman by intermarriage, but as the status of such persons is not fixed at this time her rights are not passed upon her in she embraced in this decision.

The evidence herein shows that Joann Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and that she remained in the Cherokee Nation during said rebellion and was residing therein during the time necessary for the acquisition of freedmen rights under article nine of the Cherokee treaty of 1866; that being thereafter she removed to and became a citizen of the State of Arkansas, where she remained for a period of about twenty years, then she returned to the Cherokee Nation where she had since resided. It is further shown that during her residence in Arkansas she owned no property of any description in the Cherokee Nation.

Section two, article one of the Cherokee Constitution, provides that,

"... Whenever any citizen shall remove with the intention of leaving the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

The evidence further shows that the other applicants herein are the children and grandchildren of the said Joann Taylor,

born since the commencement of the rebellion, and possess no rights to enrollment except such as they acquire through the said Joann Taylor.

None of the applicants herein are identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Joann Taylor, Parnice Albert, King David, Matthew David, Robert David, Mary David, Equilla David, Nattie David and Parnice David as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 15 1906

DEPARTMENT OF THE INTERIOR

HONORABLE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON D. C.

In the matter of the application of Joanna Taylor et al Cherokee Freedman for enrollment as Freedman

JOANNA TAYLOR
vs
CHEROKEE NATION

MOTION FOR REHEARING

Comes now petioner herein and moves that she be granted a new trial in this cause and for grounds thereof alleges and states:-

1st, That she is sixty 60 years of age and that she resided in the Cherokee Nation and that she has lived there all her life.

That she is and was at the time of the taking of the testimony wholly and totaly ignorant and un informed as to the character and amount of testimony necessary for the establishment of her claims as a Cherokee Freedman.

2nd, That this petitioner was a slave of William Linsey who was a Cherokee Indian and who was a resident of the Cherokee Nation at the time of the outbreak of the Civil Varand that she did not leave the nation during the war and has since that time been a resident of the Cherokee Nation. That the only witness introduced against her right of citizenship was a colored woman [illegible] named Nella Pettie she testified at one time that she raised the applicant in Texas and at another time that she raised the applicant in Logan County [illegible]. The applicant was at the time of the taking of the testimony in her [illegible] ignorant of the [illegible] and personal of witnesses by whom she could prove her residence and also her [illegible] for which was necessary [illegible] to prove. But since the taking of the testimony she has found witnesses who have known her all her life and who [illegible] [illegible] [illegible]

and that she was a slave of William Kinney who was a Cherokee Indian and who was a resident of the Cherokee Nation at the commencement of the war and that she was in the Nation during the years of '66, '67, '68 and has since been continually a resident of the Cherokee Nation. That she can prove the same by Leon Johnson whose affidavit is also hereto attached marked Exhibit B" and made a part here of.

Therefore this applicant prays that her cause be reopened and referred to the Commission to the Five Civilized Tribes for re-hearing and that they be ordered to receive the testimony of the witness whose affidavit is hereto attached.

Signed Joanna Taylor

I, Joanna Taylor do hereby state that to the best of my knowledge the above statements are true and correct,

Signed Joanna Taylor

Subscribed and sworn to before me this 22 day of October 1904

Signed H. L. Rogers
NOTARY PUBLIC

My commission expires the ___ day of ___ 190__

Copy

DEPARTMENT OF THE INTERIOR

TO THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS.

In the matter of application of Joana Taylor et-al for enrollment as citizens of the Cherokee Nation consolidating the application of

Joana Taylor et-al _____ Cherokee Freedman

xxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Comes now Isaac Johnson and on his oath states that he is a resident of Chickasaw living now at McAlester Okla and is well acquainted with Joana Taylor who was born and raised in the Cherokee nation in the Indian Territory, that prior to the war of the rebellion she was the slave of Will Linney, who was a Cherokee by blood and a member of the Cherokee tribe of Indians, that she the said Joana Taylor was in the Cherokee nation at the beginning of the war and that she resided in the territory all the time and has since said war continually resided in said nation.

That she has always been known to be a Cherokee freedman and is entitled to the rights and privileges of one.

That said Joana Taylor has since the rebellion been all the time in the Cherokee nation living most of the time near Fort Smith on the Cherokee side.

Isaac Johnson

Subscribed and sworn to before me on this the 22 day of Oct 1906.

[illegible]

Notary Public.

Copy

DEPARTMENT OF THE INTERIOR

TO THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS.

o_____o

In the matter of application of John Taylor et-al for enrollment as citizens of the Cherokee Nation consolidation the appl cation of

John Taylor et-al_____Cherokee Freedmen.

XXXX

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joanna Taylor, et al., as Cherokee freedmen, consolidating the applications of

Joanna Taylor, et al.,--------Cherokee Freedmen D 778,
Paralee Albert,----------Cherokee Freedmen D 1084,
King David, et al.,----------Cherokee Freedmen D 1085.

Protest on behalf of the Cherokee Nation against granting motion of applicants to reopen.

Comes now the Cherokee Nation by its representatives and protests against the granting of the motion of applicants to reopen the above styled cases, and for their protest they say, that the Commission to the Five Civilized Tribes, when it rendered its decision, followed the facts as then presented to it, and that the decision is correct and should not be disturbed.

The representatives of the Cherokee Nation desire to call attention to the affidavits filed in support of applicants' motion to reopen. The first one purports to be signed by George Griffin, and is signed by mark, the mark being witnessed by John London, one of the attorneys for applicants, and H. L. Rogers, the said H. L. Rogers acting also as Notary Public in swearing the witness. The same is true of Lissie Austin, the second affidavit, and also of Harriet Bell. Each of these affidavits are signed by mark and each are witnessed by John London and H. L. Rogers, the affidavits being sworn to before H. L. Rogers as Notary Public. But of what country he is Notary Public the affidavits do not disclose, as he attaches no caption to the affidavits, advising the representatives of the Cherokee Nation where or of what country he is Notary, and the impression of the seal which the affidavits purport to carry is so slight that it is not legible, and no one can tell whether he is a Notary Public for the Northern District of the Indian Territory, or the State of Arkansas.

We desire again to call attention of the commissioner and state that, from our own knowledge, this man H. L. Rogers is work in the employ of the attorneys for applicants, and has been know go from place to place and from house to house, soliciting claim for attorneys for applicants, and is what would be commonly cal regular henchman of the law firm of Neal & London to drum up or solicit the character of business as the case at bar, and also testifies for them in cases in which they represent the appli

Again we desire to call attention to the fact that afte examination of the commissioner's records we fail to find L Lissie Austin or George Griffin are on any of the rolls of freedmen or Cherokees by blood or that they have made an a to be enrolled.

We desire further to call attention to the signature of George Griffin, Lissie Austin and Harriet Bell, neith in their affidavits gives his postoffice address, and al

affidavits run in the same language. George Griffin states that he has known the applicant since the close of the war and knows that she has continuously resided in the Cherokee Nation, Indian Territory, since the close of said war, except a short time when she was with her husband at Hot Springs, Arkansas, who was taking a course of baths for rheumatism; that he knew the said Joann Taylor and her husband and knows that they did not own any home there, but that their home was at that time in the Cherokee Nation. This portion of George Griffin's affidavit shows that if any living man undertook to swear to such, he knew he was swearing to a wilful falsehood, and for that reason he did not give his postoffice, so that he might be looked up. It further shows that if it was true, as he claims, that these parties resided continuously in the Cherokee Nation to his knowledge, that he would not be in a position to know whether or not these parties owned their home in Hot Springs, Arkansas. Such is the testimony upon which the Commissioner is asked to reopen the decision in this case, and we say that such testimony is wholly unworthy of belief and is not sufficient to warrant this Commission in opening its judgment and reversing the same. Further attention is called to the affidavits filed in support of the motion to reopen ssssssssssss neither of which attempt to state where Joann Taylor had resided in the Cherokee Nation, or what was her postoffice, or who her neighbors were; in fact nothing is said, except that they knew Joann Taylor: that they know that she is a resident of the Cherokee Nation and has resided there continuously.

In conclusion we submit that if the Department undertakes to rely upon this character of testimony there will never be any end to the motions that will be filed to reopen the cases after they have passed upon them adversely to applicants. Any firm of lawyers who desire and can hire a man who would sign his name as Notary Public, who would go broadcast over the country soliciting business for them, working up these cases, sign the witnesses' names by mark, witnessing same, and purport to sign the affidavit as Notary Public without stating from what country or what source he received his Notary commission and indulge in such further practice as seems to have been indulged in in this case by H. L. Rogers, who is known to have gone over the country working up these cases, testifying in the same, and in fact is known and understood to be an employe of the firm of Neal & Landon for the purpose of working up this business among the Cherokee Freedmen applicants, we respectfully submit that such practice as this should not be indulged in and the affidavits are not sufficient to warrant the Department in opening up its decision.

Respectfully submitted,

_____

_____

Attorneys for the Cherokee Nation.

March the 6 1905

Mr. W. W. Hastings Sir if you need any more abattel Witness in the case of Jeannet Taylor they can easly be found. one of them can be found in the cherokee nation not far from roland I.T on Paynes place by the name of Louis Bonnes and one at Spar row in the Choctaw nation and his name is mat. Cravin and too can be found in Crafford County Ark about ten miles east of Van buren i think they get their mail at Van buren, ark. their name is mr Jim, Polly and his wife

these Witness claim to no kin for Jeannet Taylor. none of them ever knew she was a child and that she belong to the lindsays and and that they was white people. for further information i can be found one mile and a half east of roland, I.T. this is just off the top of my head and any one can do the same

Ready young blood

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joann Taylor, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joann Taylor	Cherokee Freedmen	D- 778
Paralee Albert	" "	D-1064
King David, et al.,	" "	D-1065

BRIEF IN SUPPORT OF APPLICANTS MOTION TO REOPEN CAUSE.

-oooooooooooooooooooo-

Comes now the applicants, by their attorneys, Neale Lemion, and in support of their motion to reopen this cause state

-I-

Answer to protest on behalf of the Cherokee Nation against granting motion of applicants to reopen.

That the said protest is such an unsupported attest upon the character of the Notary Public, with reference to whom there is no sort of proof in the testimony; that it is almost too ridiculous to be noticed as entitled to any weight whatever, but for the fact that it by implication attacks the professional character of the attorneys for the applicant, could not be noticed.

It is contended that it was never intended for use of the testimony of the witnesses to witness the trial in this case.

but it was entirely proper for the Notary Public to witness the same. The seal of this Notary Public shows that he Notary fax within and for the Northern District of the Indian Territory. The records of the Northern District show this. As to his personal character, that was undoubtedly investigated by the United States Judge for the Northern District of the Indian Territory before he received his commission as such Notary Public. As to his being in the employ of Neal & London, we desire to state that Mr. Rogers has never at any time been in the employ of our firm, and has never had a five cent interest in any fee earned by us in any Cherokee Freedman case.

It seems to us that the Attorneys of the Cherokee Nation have almost come to the end of their ingenuity in fighting this case. Otherwise, we are sure that they would not have descended so far, professionally, as to be guilty of the puerile evasions with which the protest in this case abounds.

-II-

BRIEF.

We most respectfully submit that the Honorable Commission to the Five Civilized Tribes erred in its decision rendered on 15th., 1905, in that, if the finding of facts, as set forth in the decision, are true, then this applicant is undoubtedly entitled to enrollment. Quoting from said decision, the Commission finds as follows:

"The evidence herein shows that Joan Taylor was the slave of a Cherokee Indian at the commencement of the rebellion and testifies that she remained in the Cherokee Nation during said rebellion and was residing therein during the time necessary for the Treaty of 1866".

If this is true, then Joan Taylor, under the Treaty of 1866, acquired the status of the Cherokee Freedman.

The Commission further finds (erroneously, we think)

as follows:— "That soon thereafter she removed to and became a citizen of the State of Arkansas, where she remained for a period of about twenty years when she returned to the Cherokee Nation where she has since resided".

The Commission holds that under section two of Article One of the Cherokee Constitution that by removing out of the Cherokee Nation Joann Taylor lost her rights and privileges as a Citizen of said Nation. This might have been true, though we doubt it, as to a Cherokee Indian by blood, but Section Two of the Article One of the Cherokee Constitution referred to in the Decision of the Commission can have no effect upon the rights of a Cherokee Freedman.

A Cherokee freedman is not a citizen of the Cherokee Nation in any sense of the word. By the Treaty of 1866 the freedman were not made citizens of the Cherokee Nation, and have never been considered as Cherokees, but by that Treaty the Cherokee Nation agreed to give to those who had complied with Article Nine of the Treaty of 1866 "all the rights of Native Cherokees".

This was not a status of Citizenship in the Nation, and they have never been considered by the Government, or by any of its Departments, as Citizens of the Cherokee Nation in the sense that the word Citizen is used in the Cherokee Constitution.

Cherokee Freedmen have never had any rights in the Cherokee Nation except those that were given to them under the Treaty of 1866, and in the treaties since that time they have always been referred to as freedmen, and not as Citizens of the Nation.

The people who are entitled to rights in the Cherokee Nation have always been divided into two classes, Citizens and Freedmen, and every Treaty and every Act of Congress dealing with this subject has always treated them separately.

Section Three of Article Seven of the Treaty of 1866, provides and sets forth in full the powers of the National Council of the Cherokee Nation relative to legislation, and there

powers, it is provided in the same section, cannot be enlarged except by the approval of the President of the United States. Section Three is as follows:—

"Said general council shall have power to legislate upon matters pertaining to the intercourse and relations of the Indian tribes and Nations and colonies of freedmen resident in said Territory; the arrest and extradition of criminals and offenders escaping from one tribe to another, or into any community of freedmen; the administration of justice between members of different tribes of said territory and persons other than Indians and members of said tribes or nations; and the common defense and safety of the nations of said territory.

All laws enacted by such council shall take effect at such time as may therein be provided, unless suspended by direction of the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or laws of Congress, or existing treaty stipulations with the United States; Nor shall said council legislate upon matters other than those above indicated: Provided, however, that the legislative power of such general council may be enlarged by the consent of the national council of each nation or tribe assenting to its establishment, with the approval of the ~~Unit~~ President of the United States."

This is a specific definition of the powers of the general council of the Cherokee Nation, and includes all the powers of the Nation. With reference to the powers by this section conferred, the National Council is supreme. The Nation by a constitutional convention can exercise no more powers than those conferred by this treaty, ~~xxxxxxxxx~~ and this Treaty of 1866 confers no power upon the Cherokee Nation to deprive any freedman of ~~xix~~ the rights of citizenship.

Section Two of Article one of the Cherokee Constitution does not purpose to apply to Cherokee freedmen, but merely applies to citizens of the Cherokee Nation. We have already shown that a freedman is not a citizen of the Cherokee Nation in the sense ~~of~~ that the word citizen is used in any law or treaty recognized by the United States Government. They are simply persons who, by virtue of their former conditions of servitude, are entitled to the rights of a Cherokee citizen.

If this is true, and it seems to us to be unquestionable, then every freedman, and the descendants of every freedman, who complied with Article Five of the Treaty of 1866, is entitled

to be enrolled as such freedman, and to receive his, or her, allotment of land as such.

In addition to this it has been held by the Department in numerour cases of Cherokee Indians by blood that Section Two of Article One of the Cherokee Constitution was without force and effect.

We respectfully submit, that in view of the provisions of the different ~~Indian~~ Treaties between the United States and the Cherokee Indian Tribes, that this section ought not be be given any greater scope than its language reasonable intends, to-wit,— that if it should be held to be valid at all, that it could only apply to Citizens of the Cherokee Nation, and could not apply to freedmen, the rights of the freedmen having been acquired by Treaty with the United States Government, and in no way subject ~~to~~ under the laws, after having once been acquired by compliance with the Treaty, ~~because of~~ by any act of the Cherokee Nation, either through its general council, or by virtue of its Constitutional Conventions.

Section Three of Article Twelve, of the treaty above cited, limits the powers of the tribe except when an enlargement of these powers is approved by the President, and it is not claimed that Section Two of Article One of the Cherokee Constitution has ever received approval of any President of the United States, and even if such approval had been given, it could not be construed so as to affect the vested rights of the Cherokee freedmen.

Very respectfully submitted,

Neal Drew
Attorney for Petitioner

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned ~~Attorney~~ Agent for the within named applicant hereby accept service of the within notice on this the

day of , 1901

~~Attorney for applicant~~.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of Joan Taylor for enrollment as a Cherokee Freedman:

Case No. F. D. 778

To J. R. Bryant Tahlin Agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept 17th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12 day of Sept, 1901.

[illegible]

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned ~~Attorney~~ for the within named applicant hereby accept service of the within notice on this the [illegible] day of [illegible], 1901

~~Attorney for applicant.~~

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, |
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed [illegible] before me this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of Joan Taylor for enrollment as a Cherokee Freedman:

Case No. F. D. 778

To J. R. Dynitchin Agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 17" at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12" day of Sept. 1901.

S B Maxey

W. W. Hastings

J. Sam Davenport

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

TO THE HON. COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

In the matter of the application of Joann Taylor, et al., for enrollment as Cherokee freedmen, consolidating the applications of

Joann Taylor	Cherokee Freedman D 778
Peralee Albert	Cherokee Freedman D1084
King David, et al	Cherokee Freedmen D1085

P E T I T I O N T O R E O P E N C A U S E.

-oooooooooooooo-

Comes now Joann Taylor, petitioner herein, for herself and Peralee Albert and King David, et al., and moves the Commission to reopen the above cause, and for grounds thereof states and makes known to your Commission that it is a fact that she was a slave of a Cherokee Indian by blood prior to the war of rebellion, and that she remained in the Indian Territory during the war, and that she remained there until long after the war; that in truth and in fact she has resided in the Cherokee Nation all of her life;

That it is not true that she removed from the Cherokee Nation, Indian Territory to the State of Arkansas, and remained there for a period of twenty years, but says the truth is that she left the Cherokee Nation about ten years ago and went to Fort Smith, Arkansas, where she remained for the better part of ten years, coming back to the Cherokee Nation in Colorado to live after she came to the Cherokee Nation that she never moved

her personal effects out of the Cherokee Nation; That she went to Hot Springs for the purpose of taking ~~ex~~ care of her husband who was ~~there~~taking baths for the benefit of his health; That afterwards, and immediately upon his finishing his course of baths she returned with him to the Cherokee Nation to her home, and that she has continuously resided there up to the present time; That she never owned any property anywhere else except in the Cherokee Nation; That she has always been recognized as a Cherokee Freedwoman until the meeting of the Dawes Commission when she ~~we~~ made application for her final enrollment. She says that she does not know what the proof in her case may show, but that the above facts are true, as she is able to show by the affidavits of George Griffin, Lizzie Austin and Harriet Bell, hereto attached, marked Exhibit "A", "B" and "C", and made a part of this petition.

WHEREFORE, she prays that the decision of the Dawes Commission by reversed and remanded, and that they be instructed to hear the testimony of such witnesses as she may be able to produce, or that the decision be set aside for naught, and that the Commissioner be instructed to enroll her, as justice demands, and would ever so pray.

Neal & Landon
Attorneys for petitioner.

I, Joana Taylor, on my oath state that the matter and things in the above and foregoing motion are true and correct.

Witness to mark
John Landon
T. P. Green

Joana Taylor
her mark

Subscribed and sworn to before me in this the 22nd day of July, A. D., 1904.

H. C. Pogue
Notary Public

My commission expires on the 2nd day of Sept., 1905.

DEPARTMENT OF THE INTERIOR

TO THE HON. COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

In the matter of the application of Joann Taylor, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joann Taylor	Cherokee Freedmen D 778
Paral e Albert	Cherokee Freedmen D1084
King David, et al.,	Cherokee Freedmen D-085

AFFIDAVIT IN SUPPORT OF PETITION.

=0000000000000=

EXHIBIT "A":-

Comes now George Griffin, and on his oath states that he is 60 years of age; that he is personally well acquainted with Joann Taylor, who is a resident of the Cherokee Nation, Indian Territory; that he has known her since the close of the war of rebellion, and knows that she has continuously resided in the Cherokee Nation, Indian Territory since the close of said war, except a short time than she was with her husband at Hot Springs, Arkansas, who was taking a course of baths for Rheumatism; that he knew the said Joann Taylor and her husband, and knows that they did not own any home anywhere there, but their home was at that time in the Cherokee Nation, and that Joann Taylor came back several times during their stay at Hot Springs to look after their things in the Cherokee Nation.

Affiant says that he has no interest in the above cause; that he is not a citizen of the Cherokee Nation, nor an applicant for citizenship.

[illegible]

[illegible]

Subscribed and sworn to before me this the 22 day of July, 1906.

[illegible]

My commission expires on the 2d day of [illegible], 1908

DEPARTMENT OF THE INTERIOR

TO THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON, D. C.

In the matter of the application of Joann Taylor, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joann Taylor	Cherokee Freedman D 778
Peralee Albert	Cherokee Freedmen D1084
King David, et al.,	Cherokee Freedmen D1085

AFFIDAVIT IN SUPPORT OF PETITION.

-0000000000-

EXHIBIT "B":-

Comes now Lizzie Austin, and on her oath states that she is 52 years of age and a resident of the Cherokee Nation; that she is personally well acquainted with Joann Taylor, who is a resident of the Cherokee Nation, Indian Territory; That she has been acquainted with Joann Taylor for 40 years, and knows that during all that time she has made her home in the Cherokee Nation. That she has never removed her personal household effects from the Territory; That at one time she went with her husband to Hot Springs, Arkansas, and stayed there a part of the time for two years, coming back and forth to her home at intervals looking after her affairs in the Cherokee Nation.

Affiant says that she has no interest in the citizenship claim of Joann Taylor, and will not be benefitted by her enrollment.

her
Lizzie x Austin
mark

Witness:
John Lawson
G. L. Mozee

Subscribed and sworn to before me in this the 22nd day of July, A. D. 1907.

G. L. Mozee
Notary Public

My commission expires on the 2nd day of Sept, 1907.

DEPARTMENT OF THE INTERIOR

TO THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

In the matter of the application of Joann Taylor, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joann Taylor	Cherokee Freedmen D 758
Paralee Albert,	Cherokee Freedmen D1084
King David, et al.,	Cherokee Freedmen D1085

AFFIDAVIT IN SUPPORT OF PETITION.

-oooooooooooo-

EXHIBIT "C":-

Comes now Harriet Bell and on her oath states that she is 74 years of age, and a resident of the Cherokee Nation, Indian Territory; that she is well acquainted with Joann Taylor, the applicant for citizenship herein; she knows that Joann Taylor was a slave of a Cherokee Indian by blood prior to the war of rebellion, and knows that she remained in the Cherokee Nation, Indian Territory during the war, and that she has continuously resided in the Cherokee Nation since the close of the war except at one time when she went with her husband to Hot Springs, Arkansas, where he went to receive treatment for rheumatism. The said that she knows Joann Taylor came back to her home in the Cherokee Nation and interests during the time her husband remained at Hot Springs to look after her affairs at home. That she did not remove her household effects in the Cherokee Nation, but maintained her home at all times in the Cherokee Nation where she now resides.

Affiant says that she has no interest in the outcome of this cause, and will not be benefitted thereby.

Harriet Bell
mark

Subscribed and sworn to before me on this the 22nd day of October A. D. 1906.

W. H. Rogers
Notary Public

My commission expires on the 5th day of [illegible] 1908

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BECKENRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 778, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Joann Taylor, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Inml. 8-139

TOM W. NEAL. JOHN LONDON.

NEAL & LONDON.
Attorneys at Law
FORT SMITH, ARK.

August 8, 1905.

Messrs. Bell, Hastings & Davenport,

Vinita, I. T.

Gentlemen:-

Enclosed please find copy of brief this day sent to the Hon. Commissioner of Indian Affairs at Washington, in support of the application of Joann Taylor, et al., for enrollment as Cherokee freedmen.

Respectfully,

Neal & London

JSJr.

D. C. 29346

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.7158,9610-1905.
9876,10388-1905.

July 10, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the wive Civilized Tribes transmitted the record in the matter of the pplication for the enrollment of Joann Taylor, Paralee Albert, and King, Matthew, Robert, Mary, Equilla, Mattie, and Paralee David as Cherokee freedmen.

Reporting June 13, 1905, the Indian Office recommended that the Commission's decision, adverse to all the applicants, be approved. A copy of its letter is inclosed.

The attorneys for the applicants filed a motion for a rehearing and brief in support of said motion. The attorneys for the nation filed a protest against the granting of the motion for a rehearing.

The motion and arguments have been considered in connection with the record in the case, and it is considered that the decision of the Commission is correct. Said decision is hereby affirmed.

Respectfully

Jesse E. Wilson

Assistant Secretary.

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Land.
37012-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen of Joann Taylor for herself; by Paralee Albert for herself; and by King David for himself and his minor children, Mathew, Robert, Mary, Emilla, Mattie and Paralee David.

May 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Joann Taylor was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she remained in the Cherokee Nation during the war and until after February 11, 1867; that soon thereafter she removed to and became a citizen of the State of Arkansas where she resided for about twenty years, when she returned to the Cherokee Nation where she has since resided, and during her residence in Arkansas she owned no property in the Cherokee Nation.

The evidence further shows that the other applicants are the children and grand children of Joann Taylor, born since the end of the rebellion and possess no rights to enrollment except as decendants of the said Joann Taylor.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D. 778 et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1903, rejecting the applications of Jeann Tayler, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Inal.6-18

Cher. Fr. D-779

Cher. Fr. D-779

Cherokee Freedmen D-779
(This testimony is also
made a part of D-951 and R-325)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee Freedmen.

It appears that on the third day of October, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at its offices in Muskogee, Indian Territory on November 16, 1904, and introduce testimony touching the points mentioned in said letter.

There being no appearances on November 18, case was continued by consent, and on November 21, 1904, the following proceedings were had:

APPEARANCES:
Applicant appears in person and by attorney J. F. Bulger representing her attorney, A. S. McRae.
Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J.F. BULGER:

Q. What is your name? A Blue Thompson.
Q Where do you reside Mr. Thompson? A In Chetopa, Kansas.
Q Are you a recognized citizen of the Cheroke Nation?
A Yes, sir.
Q Did you ever live in the Cherokee Nation? A I did.
Q How long? A About fifty-four years, off and on.
Q Were you born in the Cherokee Nation? A I believe I was.
Q Are you acquainted with Queenie Smith, the applicant in this case? A Yes sir, I am acquainted with her.
Q Were you acquainted with her mother? A I don't know whether I was or not.
Q With the woman who was understood to be her mother?
A Who was her mother?
Q Do you know who was her mother? A No sir, I don't know who that girl's mother was; I know Fannie Sanders, she had two children, a girl and a boy, I don't know if this be here.
Q Who was Fannie Sanders? A Well she belonged to one of them Sanders's, I don't know which one; she was a darkey woman.
Q You say that you are acquainted with one Fannie Sanders?
Q Yes, sir.
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Well, I didn't see her, but that was what they called her at Gibson.
Q Where did she reside? A At that time she resided at Fort Gibson.
Q Did Fannie Sanders have any children? A She had two, I think.
Q What were they? A One was a boy and one was a girl.
Q How old was the girl in 1861? A In 1861, I didn't know her in 1861.
Q Well when did you know the girl? A I knew her during the time I was living down there, might have been in '67 or '68, somewhere along there.
Q How old was the girl she had with her then? A I don't know, about seven or eight, maybe nine years old.

Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.
Q You say Fannie Sanders had two children? A Fannie who?
Q Fannie Sanders? A Yes, sir, she had two, to the best of my knowledge.
Q Do you know what has become of these two children? A No, sir, I don't, I left Fort Gibson, and Fannie did, and I never did see them children to my knowledge.
Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, If I am I don't know it.

PATSY JOHNSON, being duly sworn, testifies as follows:

BY MR. HASTINGS:

Q Your name is Patsy Johnson? A Yes sir.
Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah, now, working.
Q You testified in the case of Queenie Smith before? A Yes sir.
Q You said then that you did not know her? A No, sir I don't know her.
Q You did know Fannie Sanders, who belonged to Nick Sanders before the war? A Yes sir, she was my aunt.
Q Did you live in the same family? A Yes sir, Nick lived on one side the road, I lived on the other.
Q Did you know this Fannie Sanders before the war? A Yes sir.
Q Did she go out of the Nation during the war? A No sir.
Q Where did you live during the war? A In about Fort Gibson.
Q Did this Fannie Sanders have some children? A Yes sir.
Q What were their names? A The oldest one was called Dave, he got killed during the war.
Q Next one? A Sallie.
Q Next one?A Rachel
Q Next one? A John.
Q Four? A Yes sir.
Q Two boys and two girls? A Yes sir.
Q What became of Dave? A He got killed time of the war.
Q What became of Sallie? A She died in time of the war.
Q What became of Rachel? A She went to Delaware with her husband.
Q State of Delaware? A Yes, sir, Hadley, Delaware.
Q What was her husband's name? A James Gibbs.
Q You testified in this case once before, before the Commission?
A Yes, sir.
Q About what time did Rachel marry? A I really don't know just the year sir.
Q About how long after the war? A It must have been along about '68 or '69.
Q Was this man Gibbs a soldier? A Yes, sir.
Q Stationed at the garrison at Fort Gibson? A Yes, sir.
Q And John is still alive down at Vian? A Yes, sir, Not at Vian, at Fort Smith now.
Q What became of Rachel, is she living? A No, sir, I got a letter from her husband, she is dead.
Q Well, you corresponded with them? A Yes, sir, but it has been four or five years since I heard from them now.
Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.
Q Was child was born here? A Yes sir, in Gibson, or out in the country there.
Q Did Rachel marry before or after her mother died?
A Before. Her mother has only been dead some eight or nine years, she died about the same time her mother did.

Q Rachel did? A Yes sir.
Q Did you and your relatives correspond now and then with Rachel out there in Delaware? A Yes sir.
Q At Hadley? A Yes sir.
Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.
Q Did Fannie ever have a girl by the name of Queenie?
A No sir, she only had two.
Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt.
Q And Fannie belonged to Nick Sanders? A Yes sir, we all belonged to Nick Sanders.
Q You never knew of Queenie until this roll proposition came up?
A I never met her until I met her in Vinita.

BY MR BULCHER:

Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.
Q Do you know who was the mother of Queenie Smith? A No sir, I know nothing about her.
Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?
A I only had one aunt by that name.
Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders.

BY HASTINGS:

Q Where did the Nick Sanders that you belonged to live?
A On Caney.
Q Nick Sanders only owned one Fannie Sanders?
A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR BULCHER:

Q What is your name? A George West Vann.
Q Are you acquainted with Queenie Smith? A Yes, sir.
Q Were you acquainted with one Fannie Sanders? A Yes sir, I knew Aunt Fannie Sanders.
Q Was Fannie Sanders a slave? A Yes sir.
Q To whom did she belong at the beginning of the Rebellion?
A She belonged to Sanders, I don't know which Sanders.
Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
Q Do you know whether she had one named Queenie? A No sir, I didn't know the children at all. I know her but I didn't know the children.
Q Do you know the applicant in this case, Queenie Smith?
A Well, I have been knowing her off and on since the Wallace payment.
Q Do you know who was Queenie Smith's mother? A No sir, I don't know, she claims her mother was Fannie Sanders but I don't know that.
Q Did she claim that at the time of the Wallace Payment?
A I wasn't there when she went in to the Court, but just outside, she claimed it.

BY COMMISSION:

The testimony in this case will be made a part of the record in the case of Lillie Sanders, R-325, and Serina Brown Cherokee Freedman D-951.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 30 day of November, 1904.

SEAL.

(Signed) Charles H. Sawyer.
Notary Public.

Louise Smith being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original transcript.

Louise Smith.

Subscribed and sworn to before me this December 10, 1904.

Charles H. Sawyer
Notary Public.

A. F. Mc.
D. C. L.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Queeny Smith, et al., as Cherokee Freedmen, consolidating the applications of:

Queeny Smith, et al.,	Cherokee Freedmen D 779
Serina Brown, et al.,	Cherokee Freedmen D 951
Lillie Sanders,	Cherokee Freedmen R 325

-: D E C I S I O N :-

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Queeny Smith for herself and minor children, Robert, Jessie, Linwood, Mabel, Lucille, Summit and Mamie Smith; by Serina Brown for herself and minor children, Della and Debbie Brown, and by Lillie Sanders for herself. Copies of the testimony taken on June 29, 1901, at Nowata, Indian Territory, its decision rendered by the Commission on March 8, 1906, and Departmental letter of June 25, 1906 (I. T. D. 5104-04), in re application of John H. Brown for enrollment as a Cherokee Freedman, case No. R 402, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Queeny Smith, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866; that the other applicants herein claim the same right as descendants of the said Queeny Smith; and that the applicant, Lillie Sanders, also claims as a descendant of one Will Sanders, deceased.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the principal applicant, Queeny Smith, is the mother of all the other applicants herein, excepting Della and Debbie Brown.

(2) That one Jim Smith, a non-citizen of the Cherokee Nation, is the husband of the principal applicant, Queeny Smith, and father of all the other applicants herein excepting Lillie Sanders and Della and Debbie Brown.

(3) That the minor applicants, Della and Debbie Brown, are children of the applicant, Serina Brown, and one John H. Brown, who was denied enrollment as a Cherokee freedman, by the Commission on March 5, 1904, and its action approved by the Department on June 23, 1904 (Departmental letter I. T. D. 5104-04).

(4) That all the applicants herein, excepting Queeny Smith, were born since 1866.

QUEENY SMITH, applicant, appeared before the Commission on June 20, 1901, at Nowata, Indian Territory, and in support of her application for enrollment as a Cherokee Freedman, testified as follows: I am 41 years old, and my postoffice is Claremore, (Indian Territory). I guess I was a slave. My mother, so I am told, was Fannie Sanders, who, before the war, was the slave of Nick Sanders, a Cherokee citizen, who lived on Caney. They sometimes call me Rachel Sanders, but that is only a nick-name, my right name is Queeny. I do not remember my mother as she died when I was quite young. Neither do I remember when I and my mother belonged to Nick Sanders. I have lived in the Cherokee Nation continuously since I can first remember, and at that time (when I can first remember), I was working for Dr. McAlister, at Illinois Station. I worked there until I got married. The Valley railroad run through there then and we lived on the east side of it. I heard nothing about them taking a census in 1880. I made application to the Kern-Clifton Commission for enrollment, but did not get on the roll. I drew money under the Wallace payment for myself, but not for any of my children. My daughter, Lillie, was born on Caney, near the Nick Sanders place. Serina and Robert were born in "McCoy" District near Illinois Station. Jessie and Linwood were born on Lightning Creek. Bill Foreman brought me up from my infancy, and when I can first remember I was living with him on Caney. When I left him I went to Illinois Station. I don't know how far Caney is from Coffeyville. I never heard of any towns near there. I always traded down on this side of the railroad somewhere. I don't remember when I first became acquainted with Charles Chambers, he has known me since before I can remember myself.

CHARLES CHAMBERS, witness for applicants, same date and place, testified as follows: I am about 70 years old, my postoffice is Hudson, and I am a recognized citizen of the Cherokee Nation. I have known the applicant, Queeny Smith, since she was four or five years old. Also knew her mother, Fannie Sanders. They were then living over on Caney, Tahlequah District, with Nick Sanders, a Cherokee citizen. I did not see the applicant, Queeny Smith, again, until sometime along in the 70's, she was then living with Aunt Susie Colbert, five or six miles from Coffeyville. I have seen her only once or twice since that time.

JIM ALBERTY, witness for applicant, same date and place, testified as follows: I am 70 years old, and my postoffice is Chouteau, Indian Territory; I have known the applicant by the name of Queeny Sanders since 1866. She with her mother was living on Four Mile Branch at that time. I knew her mother before the war, she was the slave of Nick Sanders, a Cherokee citizen. I do not know whether or not the applicant and her mother were taken out of the Cherokee Nation during the war. After 1866 I never saw the applicant again until about one year ago. Before the war I lived about thirty-five or forty miles from Nick Sanders. Fannie Sanders had two or three other children besides this applicant, but Queeny is the only one I remember, and I remember her because her name is a familiar one, and she was the largest one of the children I saw there (on Four Mile branch).

PATSY JOHNSON, witness for Cherokee Nation, appeared before the Commission on October 8, 1901, at Vinita, Indian Territory, and testified as follows: I am about fifty-two years old and live about two and one-half miles the other side of Four Mile Branch, towards Tahlequah. My mother's name was Mary Sanders, and before the war she was the slave of Nick Sanders, a Cherokee citizen, who lived on Caney Creek. He also owned a slave named Fannie Sanders, my mother's sister. Fannie Sanders was taken to Fort Scott during the war, but later returned to Fort Gibson, and during the year of the cholera married a soldier named Isaac Cornish. She had four children, John, Dave, Sallie and Rachel. Dave was killed and Sallie died during the war, Rachel married a soldier named James Gibbs and moved to the State of Delaware, where she later died. John Sanders is now living at Vian. Before the war I lived in the same neighborhood, part of the time in the same yeard and part of the time in the same house, with Fannie Sanders, and I know that she had no children other than those named above. I never knew or heard of Queeny Smith before to-day Fannie Cornish, nee Sanders, died about nine years ago. At the time of her death she was living about four miles from me. Nick Sanders owned no other slave named Fannie. I know Charley Chambers, I met him this morning, he spoke to me and called me Rachel. He thought I was the daughter of Fannie Sanders, in whose behalf he had been called to testify.

WILLIAM L. LAND, witness for Cherokee Nation, appeared before the Commission on October 9, 1901, at Vinita, Indian Territory, and testified as follows: I am 34 years old, and have lived at Claremore four years. I have known the applicant, Queeny Smith, about six years, when I first became acquainted with her she said she was from Arkansas to the Territory, and at that time she did not claim freedman citizenship. So far as I know she never did claim citizenship in the Cherokee Nation until four or five months ago.

PATSY JOHNSON, witness for Cherokee Nation, same date and place, testified as follows: I am the same Patsy Johnson that testified here yesterday in this case. I never saw the applicant, Queeny Smith, until I met her here this morning, and I know that she is not the daughter of my aunt, Fannie Sanders, who was the slave of Nick Sanders. I lived in the same neighborhood with Fannie Sanders, and part of the time in the same house, until sometime during the war, when she went to Fort Scott. She returned to the Cherokee Nation in time to acquire rights under the treaty, and we lived together about a year after her return.

QUEENY SMITH, applicant, same date and place, testified as follows: My mother's name was Fannie Sanders, so they tell me. She died before I can remember her. I do not recollect that I had any brothers and sisters at all. I have always lived in the Cherokee Nation except when I would go out on a visit. I do not remember the war, and the first place I remember living was down here at Illinois Station. I did not know that Illinois Station was not started until the railroad built through there in 1888 or 1889.

SERINA BROWN, applicant, appeared before the Commission on June 29, 1901, at Nowata, Indian Territory, and testified as follows: I am about 19 years old, and my postoffice is Chelsea, Cooweescoowee District. My mother's name is Queeny Smith. I was born on Grand River and have lived in the Cherokee Nation all my life.

LILLIE SANDERS, applicant, appeared before the Commission on April 2, 1902, and April 27, 1905, at Muskogee, Indian Territory, and in support of her application for enrollment, testified as follows: I am 24 years old (on April 27, 1905, she testified that she was 27 years old), and live at Chelsea, Indian Territory. I am the daughter of Queeny Smith and one Will Sanders, deceased. I was born down here by Tahlequah, and have lived in the Cherokee Nation continuously since birth. I can not remember my father, Will Sanders, he died when I was very small.

LEWIS SANDERS, witness for applicants, appeared before the Commission on May 18, 1905, at Muskogee, Indian Territory, and testified as follows: I live at Melvin. I know Will Sanders, he was my brother. Our father was the slave of Nick Sanders, a Cherokee citizen. Will Sanders was killed near Melvin, in December, 1897. He was never married, and had no children that I know of. I do not know the applicant, Lillie Sanders, and only know by her mother, Queeny Smith, telling me, that she claims to be the daughter of my brother, Will Sanders.

JOHN SANDERS, witness for applicants, same date and place, testified as follows: I know Will Sanders, he was my cousin, he lived with his mother on Four Mile Branch until his death. He has been dead five or six years. He was never married, and never lived with any woman that I know of. I do not know the applicant, Lillie Sanders, and only met her mother, Queeny

Smith, a short time ago. I was the slave of Nick Sanders. I did not know that Queeny Smith claimed to be his slave.

At this point the Cherokee Nation introduced in evidence the Cherokee authenticated tribal roll of 1880, Tahlequah District, which, in part, reads as follows:

No	Names	Native or Adopted.	Race or prior Nationality	Age	Sex	Interlined
2098	Andrew Sanders	A.	Col.	45	M	Dead
2099	Patsy Sanders	A.	Col.	50	F	Dead
2100	William Sanders	A.	Col.	7	M	Dead
2101	Allick Sanders.	A.	Col.	11	M.	

The Wallace roll, in part, shows the following:

No.	Names	Age	Sex	Residence
1912	Sanders, Andrew	57	M.	Tahlequah District
1913	" Alex	20	M.	" "
1914	" William	16	M.	" "

QUEENY SMITH, applicant, appeared before the Commission on June 1, 1905, at Muskogee, Indian Territory, and in support of her application further testified as follows: I am the mother of Lillie Sanders. Her father was Will Sanders. He had three brothers, named Lewis, Alec and Bob. I was not married to Will Sanders, we just lived together at times. Lillie is twenty-four or twenty-five years old. Will Sanders was about eighteen or twenty years old when I got acquainted with him, and if living would be about forty-five years old now.

BOB SANDERS, witness for applicants, same date and place testified as follows: I knew Will Sanders, he was a younger brother of mine. Our father's name was Andy, and our mother's name was Patsy. In 1880 we lived in Tahlequah District. My brother Will was killed six or seven years ago, but if living would not be over thirty some odd years old now. Will was born just about the time of the first Bread Money payment. I don't know what year that was.

W. W. HASTINGS, witness for Cherokee Nation, same date and place, testified as follows: "I am one of the attorneys for the Cherokee Nation. My age is 38 years. I know as a matter of fact from an examination of the records, and from my own personal recollection, that the payment referred to by the witness, Bob Sanders, on the stand, was made in 1878. I desire to state, as I stated before, that I personally remember this payment. I probably would not have known and remembered that it was in 1878, had I not had occasion frequently to refresh myself from the public records, but I do remember the payment of 1878, and I do know that it was made in that year."

This testimony was objected to by attorneys for the applicants, on the ground that it was not the best evidence.

The foregoing is the testimony in substance of all witnesses who testified to material points in this case. None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In re certain parts of the testimony in this case: Queeny Smith, nee Sanders, claims that she is sometime known as Rachel, and that she is the daughter of Fannie Sanders, deceased, who, before the war, was the slave of Nick Sanders, a Cherokee citizen living on Caney Creek, and that her mother died before she was old enough to remember her. It is shown by a relative of Fannie Sanders, deceased, that Nick Sanders, a Cherokee citizen living on Caney Creek, owned a slave named Fannie, and that Fannie had a child named Rachel; that Rachel married and moved to the state of Delaware, where, a few years ago, she died. The said Fannie Sanders is identified on the 1880 roll, and it is shown that she died about 1895. The applicant, Queeny Smith, according to her own testimony, was, in 1895, about thirty-five years old, an age, it is not unreasonable to presume, she can remember. Charley Chambers testifies that Queeny Sanders and her mother were slaves of a Cherokee citizen, and Jim (Sheep) Alberty testifies that he saw them in the Cherokee Nation in 1866. Aside from the fact that the testimony of these two witnesses is flatly contradicted, it is well known that they were two of the most disreputable witnesses that appeared before the Commission in freedmen cases, and their testimony is of no value whatever. In re Jim (Sheep) Alberty, see Departmental letter of August 17, 1904 (I. T. D. 1472, 4998-04).

In re Lillie Sanders: This applicant claims to be the daughter of Will Sanders, and on April 2, 1902, testifies that she is twenty-four years old, and on April 27, 1905, that she is twenty-seven years old, which, if correct, shows that she was born during the year 1878. The 1880 and Wallace Rolls show the age of the said Will Sanders to be seven and sixteen years, respectively, and this enrollment is shown to be practically correct as to Will Sanders' age, by his relatives, who appear as witnesses in behalf of applicants. All of which tends to show that said Will Sanders was born about the year 1873, five years prior to the birth of his alleged daughter.

FINDINGS OF FACT AND CONCLUSION: It is considered that the applicants herein have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee freedmen, consequently their applications come within the rulings of the Department in the cases of Eliza Bryant et al., (I. T. D. 844-04), William Rector (I. T. D. 1468-04), Minnie Duncan et al. (I. T. D. 1470-04), Samantha Chambers (I. T. D. 2296-04), A. Williams (I. T. D. 4230-04), and Moses Rees (I. T. D. 6066-04).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), Queeny Smith, Robert Smith, Jessie

Smith, Linwood Smith, Mabel Smith, Lucile Smith, Sammie Smith, Mamie Smith, Serina Brown, Della Brown, Debbie Brown and Lillie Sanders, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,

This JUN 21 1905

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Cuconie Smith, et al.

779

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1908.

BELL, BARTLETT & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
WM O BEALL
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CWmcR

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-779

Muskogee, Indian Territory, October 3, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee freedmen, you are advised that before a final decision can be rendered in this case it will be necessary that further testimony be introduced tending to show conclusively that said Queenie Smith was the slave of a Cherokee citizen, or that she was a free colored person residing in the Cherokee country, at the commencement of the Rebellion; also, further testimony as to her residence since the close of said Rebellion.

The said Queenie Smith has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R-773, R-901, R-[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 21, 1906

Ball, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1906, rejecting the applications for the enrollment as Cherokee freedmen of Queeny, Robert, Jessie, Linwood, Mabel, Louile, Sennie and Mamie Smith, Serina, Della and Debbie Brown, and Lillie Sanders. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner

Encl. R-Sh

8779
941
R.375

Refer in reply
to the following:
Land.
58049-1905.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

August 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 21, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Queeny Smith for herself and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie, and Jamie Smith; by Serina Brown for herself and her minor children, Della and Debbie Brown, and by Lillie Sanders for herself.

July 21, 1905, the Commission decided adversely to all the applicants.

The record shows that Queeny Smith is the mother of all the other applicants except Della and Debbie Brown, and that one Rim Smith, a non-citizen of the Cherokee Nation is the husband of Queeny Smith and father of all the other applicants except Lillie Sanders and Della and Debbie Brown, that Della and Debbie Brown are children of Serena Brown and one John A. Brown, the denial of whose enrollment was approved by the Department June 23, 1904 (I.T.D. 3108-1904); and that all the applicants, except Queeny Smith, were born after 1906. Two of the applicants to the Indian census roll of the Cherokee Nation.

The record further shows that although afforded ample opportunity the applicants have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LLB

I.T.D. 9924-1905.

August 26, 1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 21, 1905, you transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen of Queeny Smith for herself and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie, and Vamie Smith; of Serina Brown for herself and her minor children, Della and Debbie Brown, and of Lillie Sanders for herself, including your decision of the same date adverse to all the applicants.

Reporting August 7, 1905, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision adverse to all the applicants is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:

Cherokee W D-
779--951-F R-325.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 26, 1905 (I. T. D. 9924-1905), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting the applications for the enrollment of Queenie Smith and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie, and Mamie Smith; Serina Brown and her minor children, Della and Bobbie Brown; and Willie Sanders, as Cherokee freedmen, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl. CK-354.
GEC.

Cher. Fr. D-780

Cher. Fr. D. 780

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 30, 1901.

In the matter of the application of Lizzie Buckner for the enrollment of herself and three children as Cherokee Freedmen and her husband as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Lizzie Buckner.
Q How old are you? A I don't know exactly, I have got it down. (Produces papers)
Com'r reading: this says you are 37, is that right? A I guess it is.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Who do you want to enroll besides yourself? A My husband and three children.
Q What is the name of your oldest child? A Horace.
Q Is he 20? A Yes sir.
Q Is he married? A No sir.
Q What is the name of your next child, Willie? A Yes sir.
Q 15? A Yes sir.
Q What is the next one, Walter? A Yes sir.
Q 13? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir, it was.
Q Are these children named Buckner? A That's their father there. (Pointing to man)
Q What was your father's name? A Otter Alberty.
Q What is your mother's name? A Nancy Taylor.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;

Q Didn't you know your name was not on the roll of 1880? A It was.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes sir.
Q What roll? A I can't tell you, call Uncle Lewis, he knows; I know it is on there all right, because I have always been going with my mother.
Q Is your husband a citizen? A No sir.
Q Known as a state man? A Yes sir.
Q When were you married to him? A (Produces papers.
Com'r Anglin and presents a duly authenticated marriage license issued by the authorities of the Cherokee Nation, authorizing John Buckner to marry her, the said Lizzie Buckner, in the year 1881.
Q Did you draw the Kern Clifton money? A No sir.
Q Did you ever draw any money? A Yes sir.
Q What money was it? A I drawed the $ Million.

Wallace roll of citizens of the Cherokee Nation examined and applicants not identified the same, as follows:
Mr. Lewis, Cherokee witness:
Q Are you related to Patsy? A Yes sir.
Q How children have Patsy got? A I don't know.
Q Did you have a brother? A I guess I did.
Q Were you born, do you remember? A I think I was born in Illinois, I think.
Q Where is the old? I think she's it, I have one said she had a very pretty girl.
Mr. Lewis, Cherokee witness:
Q What was your mother's name? A I do not know.
Q Was it Nancy Taylor? A Yes.
Q Was your father's name? A Otter Alberty.

Lizzie Buckner et al 2

Q Next one? A Maggie.
Q She living? A No sir.
Q Have one named Joanna? A Yes sir.
Q Is he living? A No sir.
BY MR. HASTINGS:
Q Were you ever married before you married Buckner? A No sir.
Q Did you ever live with anybody? A Yes sir, man named White or something.
Q Did you ever bear any other name than Taylor or Buckner? A I have always gone by the name of Taylor.
BY COM'R MERRILS:
Q Where were you born? A Ma said I was born in Texas.
Q Your remaining brothers and sisters born in Texas? A Yes sir, I guess they was, I don't know.
Q Where do you first recollect of being yourself? A Mt. Gibson.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified as follows:
page 103 #2193 Lizzie Buckley, Cooweescoowee District;
page 103 #2194 Horace Buckley, Cooweescoowee District.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants not found;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found.

Q Your mother has been enrolled? A I guess my step-father enrolled her, she is not able to come, she is very low.

1880 authenticated roll of citizens of the Cherokee Nation examined and Nancy Taylor identified on
page 187 #2692 Nancy Taylor, Cooweescoowee Dist, adopted col'd

Com'r to roll clerk: Are the names, Patsy, Susie, Henry and Joanna Taylor on the rolls of 1880? A Clerk: Yes sir.

Q You were a slave? A I don't know sir, I was small.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A I have always heard her talk about belonging to Alberty.
Q Were you and her taken out of the Cherokee Nation during the war? A I can't tell you.
Q You don't know anything about that? A No sir.
Q When did your mother die? A She died dead.
Q Is she here? A No sir, she is at home, now I say she is not dead, she may be gone now, because she was real low when I left.
Q When you can first recollect where were you? A Mt. Gibson.
BY MR. HASTINGS:
Q Who were you living with? A My mother.
Q You lived with her up to the time of your marriage? A Yes sir.
Q You lived in the Cherokee Nation ever since you married? A Yes sir, right there now.
Q All these children you have mentioned as being your brothers and sisters are of the same mother as you are? A Yes sir.
Q You think that you were born between the war? A Born in there somewhere, I can't tell you exactly, I know I heard her talking about it, I laughed at from Texas as a small child, that's all I know about it.

E. A. Harman, being sworn and examined by Com'r Merrils, testified as follows:

Q Did he your step's father, and Mt. Gibson, testified as follows

Q Mr. Daniels, do you know the applicant here, Lizzie Buckner?
A Yes sir.
Q Do you know her mother? A Yes sir.
Q What was her name? A Nancy Taylor.
Q Was Nancy Taylor a slave? A So said to be, I got acquainted with her after the surrender, at Ft. Gibson, I don't know whether she was a slave or not, but she always said she were.
Q Where did you first see Nancy after the war? A In Ft. Gibson, Cherokee Nation.
Q What yr sir? A That was in the spring of '66.
Q Was she there with her mother? A No sir, she came with her family from the Choctaw Nation some where, this Lizzie com with her mother Nancy.
Q You knew Nancy? A Yes sir.
Q When did you first see her? A That was in the spring of '66.
Q Did you know her before the war? A No sir.
Q You don't know then whether Nancy was a slave or not? A No sir, Up in '72 or '3 I went with her up before Judge Daniel's Court, when they taken the census, in '70, Judge Walker put her on the doubtful roll, and taken witnesses, and me, and he had her put on the straight card there through witnesses in '71 I believe it was.
Q Have you know her ever since that? A Ever since, they have been living by me 26 years, in a mile of me.
Q She is married, what is her husband's name? A John Buckner.
Q You know her brothers and sisters? A Yes sir.
MR. HASTINGS: I don't care to ask him anything.

APPLICANT, LIZZIE BUCKNER, re-called, and further examined;

BY COM'R McKELLIS:
Q You didn't draw Walker money only for yourself and Horace?
A That's all, they said the other children was too small.

KATIE YANN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Katie Yann.
Q How old are you? A 56.
Q What is your post-office? A Lenapah.
Q You are a Cherokee freedman are you? A Yes sir.
Q You know the applicant here, Lizzie Buckner? A Yes sir.
Q How long have you known her? A I have known her ever since '66.
Q Did you know her mother? A Yes sir.
Q How long did you know her mother? A Way when we was slaves, before the war.
Q Was Nancy a slave? A Yes sir.
Q Who did she belong to? A Lucy Martin.
Q Lucy Martin was a Cherokee citizen? A Yes sir.
Q You know whether Nancy was taken out of the Cherokee nation during Sherman? A She was taken South.
Q You know when she returned? A She returned back in '66.
Q Where did you see her in '66? A Ft. Gibson.
Q You came in before the court? A Yes sir.
Q You know her when you see her in Ft. Gibson? A Yes sir.
Q Did she have any family with her? A Yes sir, she had three children, A boy and two girls.
Q Was she married? A No sir, she wasn't married then.
Q Never had been married? A Yes sir, she had been married, but I don't know who that boy is about you asked me that.
Q Was she married? A No sir, I don't know her husband's name at all.
Q Now you saw her in '66 and had three children with her? A Yes sir.

Q You know the names of the children? A Lizzie was the oldest and Patsy, we called her Abosene, but her right name is Patsy, and the boy, his named Henry.
Q Did Nancy marry after that? A Yes sir, she married a man from the state, by the name of Taylor, Manuel Taylor.
Q Who did Lizzie marry? A John Buckner.
Q You don't know the name of the father of Lizzie? A No sir, I don't.
Q You know anybody that does, if she is on the roll of 1880 she is probably under that name? A Went by the name of Taylor, her step father.

BY MR. A STINES:

Q You never knew what her mother's name was in '66? A We called her Nancy Martin, she went by the names of her owners then.
Q You think she had three children when you first saw her? A I know it, I don't think it, I saw them.
Q Patsy, Lizzie and Henry? A Yes sir.
Q That's when you first saw them in '66? A Yes sir, when we went to draw rations that's when we would get to see them.
Q And all of these children went by the name of Martin, with their mother? A Yes sir, that's all the name I know them by, called them by their given names, but of course she went by the name of Nancy Martin, and the children went by that name too.

BY COM'R M KNOX:

Q What was Martin's first name? A Lucy Martin, she was an old widow woman, and owned a good many colored people.
Q She is not living now? A No sir, I don't know what the old man Martin's name was; she was a widow when I first knowed her.
Q How long has Lucy been dead, before 1880? A Oh yes, sir, I don't know how long she has been dead, but she has been dead a long time.
Q You know Lizzie Martin then ever since '66 have you? A Yes sir.
Q Was she ever married before she married Buckner? A Yes sir, but I don't know what the man was named, he married her and went off and left her, she knew what his name was, but he didn't stay long enough either I don't think to be enrolled.

APPLICANT, LIZZIE BUCKNER, re-called, and further examined:

BY COM'R M KNOX:

Q What was your first husband's name? A He called himself White, but I never did enroll when I had him, just went by Taylor, all the time.

Com'r Knox: Lizzie Buckner applies for the enrollment of herself and her three children, Kersee, Willie and Walter; also for the enrollment of her husband as citizen by intermarriage; the applicant avers that her name is or should be upon the authenticated roll of 1880; the name of her mother Lucy Martin is found upon the authenticated roll of 1880, and identified according to page and number of the roll as indicated in the testimony; the ages of her children as indicated in the testimony are also found upon the authenticated roll of 1880; the father of the applicant, she avers that she is the oldest child of Manuel Taylor, is not found upon the roll of 1880; she is duly identified upon the Dawes roll; the name of her oldest child, Kersee, is identified upon the Dawes roll; the names of her two younger children, Willie and Walter are not shown; she makes satisfactory proof of her marriage to John Buckner, a citizen, intermarried by long and approved adoption, to the loss of the Cherokee Nation; and finding that Buckner and by these children enumerated a roll card may be issued [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
CLERK'S OFFICE
JUN 28 1901

Lizzie Buckner et al s

her husband, John Buckner, will now be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card; by reason of the fact that her two younger children, Willie and Walter do not appear upon any of the rolls, it will be necessary for her to present satisfactory proof of birth; she will be notified by mail of the action of the Commission in the premises.

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~~M.D.Green, being first duly sworn, states that as stenographer to the~~ Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 28,1901.

Commissioner.

Supl.C.F.-D.#780.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN BUCKNER as a Cherokee Freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. W. W. Hastings, for Cherokee Nation;

The Cherokee Nation makes satisfactory proof of service of notice on the said John Buckner that testimony would be introduced in the matter of his application for enrollment as a Cherokee Freedman by the Cherokee Nation at Fort Gibson, Indian Territory, September 20th, 1901. Said John Buckner has been called three times and does not respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

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J. O. Rouson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rouson

Subscribed and sworn to before me this September 21st, 1901.

C. R. Breckinridge

Commissioner.

Cherokee Freedmen D 780

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Buckner for the enrollment of herself and her three minor children, Horace, Willie and Walter Buckner, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 20, 1901, Lizzie Buckner appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her three minor children, Horace, Willie and Walter Buckner as Cherokee Freedmen, and for her husband, John Buckner, as a Cherokee Freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee Freedmen by intermarriage is not fixed at this time the application for the enrollment of John Buckner as such will not be passed upon or considered in this decision. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 20, 1901.

The evidence shows that all the applicants herein were born since the commencement of the rebellion and are the descendants of Nancy Tayler, who is identified as an adopted colored on the 1880 authenticated Cherokee roll. It is presumed from this enrollment that the said Nancy Tayler complied with the terms of the treaty of 1866.

The evidence further shows that the principal applicant, Lizzie Buckner, has resided in the Cherokee Nation continuously since 1882; and it is considered that the other applicants herein, her minor children, have resided with her in said Nation since their birth.

It is, therefore, the opinion of this Commission that Lizzie Buckner, Horace Buckner, Willie Buckner and Walter Buckner should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Chairman.

T. D. Madill

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

Feb

F D 78c

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

,

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I [illegible] a true copy of the within [illegible]

on the [illegible] day of A. D. 1901

Subscribed [illegible] before me

this [illegible] day of A. D. 1901

SEE 1

NOTICE!

IN THE MATTER OF The application of John Buckner for enrollment as a Cherokee Freedman:

Case No. F. D. 780

To John Buckner Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 20th A. D. 1901, during the usual business hours of said Commission on the respective days above named, at 8 o'clock A. M. for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of , 1901.

L B Bell

Attorneys for the Cherokee Nation.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-780.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application of Lizzie Buckner for the enrollment of herself and her three minor children, Horace, Willie and Walter Buckner, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Chairman.

Enc. E-11.

Cher. Fr.D. 781

Cher. Fr.D. 781

DOUBTFUL as to husband, WILLIS COX.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Sarah Cox for the enrollment of herself and ten children as Cherokee Freedmen and for the enrollment of her husband, as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, she testifies as follows:

Q What is your name? A Sarah Cox.
Q How old are you? A I don't know my age right good.
Q Well, about how old? A My grandmother always had my age put down, I come up an orphan child.
~~Q Well you know about how old you are? A (Produces papers.)~~
Q You were fifty years old when this was made out, you don't know when it was made out, what rolls it refers to? A It is the 1880 roll.
Q What is your father's name? A Jack Smith, was my father and Lila Brown was my mother, and Sarah Ross was my grandmother.
Q Are you 40 or 50 years old, you suppose? A Yes sir, I guess so.
Q What is your post-office? A Elliott.
Q What district do you live in? A Coweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir, it always was.
Q Who do you want to ~~enroll~~ enroll besides yourself? A All my children.
Q How many have you got? A There's ten of them I think.
Q All living? A Yes sir.
Q Unmarried? A I have got one married, but he looks out for himself; his wife is here to attend to his business.
Q Have you got nine under 21 years of age, who is Reed? A That's my son.
Q Well he is 23, and Joseph Vann, is 21, he will have to apply for himself? A He aint here, I will have to apply for both of them.
Q Where are they? A They are in jail.
Q Can't get out? A No sir, I guess not.
Q The oldest one you apply for is Reed Vann? A Yes sir.
Q How old is he? A 23.
Q What is the next one? A Joseph Vann.
Q He is 21 is he? A Yes sir.
Q What is the next one? A Lila Vann.
Q She is 19? A Yes sir.
Q Next who rule? A Yes sir.
Q She is 17 is she? A Yes sir.
Q Next one younger? A Yes sir.
Q Is it a boy or a girl? A It is a boy.
Q He is 15? A Yes sir.
Q What is the next one, Bert? A Yes sir.
Q Bert is about 13, aint he? A Yes sir, I guess so, I don't know, I don't know their ages right good, I have got so many of them I can't keep count.
Q You ought to know, well on the 17? A I ought to, I ought.
Q What is the next one, Charley? A Yes sir.
Q He is 11 is he? A Yes sir.
Q Next one Lucie? A Yes sir.
Q She is 4 is she? A Yes sir.
Q Next one Annie? A Yes sir.
Q She is three is she? A Yes sir.
Q What is the next one, Pete? A Yes sir.
Q How old is he, he is right nothing is he? A Yes sir, he is right nothing.
Q That's all is it, that there? A Yes sir, that's all I have.
Q Don't think to go to any more.
Q Are you married? A Yes sir.
Q [illegible]

Q Who to? A John Vann.
Q Are these children all Vanns? A No sir, three of them aint.
Q The last three are Cox? A Yes sir.
Q Lizzie is a Cox, Yes sir.
Q And Annie and Dora? A Yes sir, and the rest of them is John Vann's children.
Q You applied to be enrolled as a Cherokee by blood one didn't you? A Yes sir, I did for my children.
Q Couldn't make it? A I don't know whether I did or not, I went before the commissioner and he never told me what he done, and I come back, I want to know this time.
Com'r: Ought to have told you he rejected you straight out.? A Well he didn't tell me.
Note: See Cherokee Card R-263.)

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 192 #3043 Sarah Vann, Goweseeoowee District; adopted colored;
1880 roll page 192 #3045 Reed Vann, Goweseeoowee Dist., adopted colored;
page 192 # 3046 Joe Vann, Goweseeoowee Dist, adopted col'd;

Q You have got ten children how does these that's married?
A Yes sir.
Q Is your husband a citizen? A No sir, Non-citizen.
Q When were you married to him? A I don't know. (Produces papers)

1896 census roll of citizens of the Cherokee Nation examined and applicants identified on
page 399 #[illegible] Sarah Cox, nee Vann, Goweseeoowee District;
page 424 #[illegible] Reed Vann, Goweseeoowee District;
page 424 #[illegible] Joseph Vann, Goweseeoowee District;
page 424 #[illegible] Lila Vann, Goweseeoowee District;
page 424 #[illegible] Johnie Vann, Goweseeoowee District;
page 424 #[illegible] Earl Vann, Goweseeoowee District;
page 424 #[illegible] Charlie Vann, Goweseeoowee District;

Q You apply to have your husband enrolled as an intermarried citizen? A Yes sir.
Com'r: Applicant presents a duly authenticated marriage license issued by the authorities of the Cherokee Nation, authorizing her to be married to one Willis Cox, a United States citizen. And the certificate of marriage, certifies that said applicant and Willis Cox were married on the [illegible] day of [illegible] 1888.

Q Were you ever married before you were married to Cox? A No sir, I never married John Vann.
Q Who were married to John Vann? A Yes sir.
Q Was he living when you married Cox? A No sir, he was dead.
Q Was Willis Cox ever married before he married you? A Yes sir, he had a wife, she is dead.
Q You are sure that he married you? A Yes sir.
Q How long had she been dead and his wife when you married? A Yes sir.
Q Was he ever married more than once? A No sir.

Willis Cox, being duly sworn and examined by Com'r Kingsbury, testified as follows:

Q What is your name? A Willis Cox.
Q What is your age? A [illegible] April 14, 1844.

Q When were you married to [illegible] 22nd day of September, 1898, I think.
Q Were you ever married before? A Yes sir.
Q Was your wife living when you married Sarah? A No sir, been dead two years.
Q Had you ever been married before that? A No sir.
Q You are what we call A state man? A Yes sir.
Q From Kansas? A No sir, I was from Kansas at that time, but I was raised in western North Carolina.
Q You married in the Cherokee Nation? A Yes sir.

Applicant, SARAH COX, re-called, and further examined:

BY COM'R MEADOR:

Q Are these children that you desire to have enrolled, all living at this time? A Yes sir.
Q What is the reason Reed Vann and Joseph are not here to apply for themselves? A They are in jail, I told you.
Q Where at? A Muskogee.
Q You know when they are going to get out? A No sir, I don't.
Q You have always lived in the Cherokee Nation? A Yes sir.
Q Never lived out of it? A No sir.
Q And since 1880, since you are on the roll of 1880 you have never lived out of the Cherokee Nation? A No sir.
Q Your children were all born in the Cherokee Nation were they? A Yes sir.

Com'r Meador: Sarah Cox applies for the enrollment of herself and her children, as enumerated in the testimony; she also applies for the enrollment of her husband, Willis Cox, as a Cherokee freedman by intermarriage; she avers that she was formerly married to Reed Vann, now deceased; she is duly identified upon the authenticated roll of 1880 as Sarah Vann, and upon the census roll of 1896 as Sarah Cox, the name of her present husband; the names of her seven oldest children are duly identified upon the census roll of 1896; the names of her three youngest children, namely: Lizzie, Annie and Dora, are not found upon the roll, consequently, it will be necessary for her to file with this commission satisfactory proof of their births; she presents satisfactory proof of marriage according to the laws of the Cherokee Nation, between herself and husband Willis Cox, who is present; she avers that her 2 oldest children Reed and Joseph Vann, are incarcerated in prison and it is impossible for them to be present; she avers that they are living; they are all duly identified and make satisfactory proof as to residence; consequently, Sarah Cox and her 10 children enumerated above will be listed for enrollment as Cherokee freedmen,- her husband Willis Cox, will be listed for enrollment as a Cherokee freedman by intermarriage, we a doubtful case; the records of the Cherokee Nation show said Sarah Cox applied to have herself and children enumerated as being listed for enrollment as Cherokees by blood, and that they were rejected by Judge Wilson, applicant appealing upon behalf,

[illegible]

I, [illegible] do hereby certify that the stenographic notes taken by me in the above entitled cause are correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of said stenographic notes, so help me God.

Subscribed and sworn to before me this [illegible]

7 L 781

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

SEP 11 1904

NOTICE!

IN THE MATTER OF The application of Willis Cox for enrollment as a Cherokee Freedman:

Case No. F. D. 781

To Willis Cox Elliott I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 20th 2 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of , 1901.

L B Bell

Attorneys for the Cherokee Nation.

Cher. Fr. D - 782

Cher. Fr. D - 782

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Emory Kirk for the enrollment of himself and wife as Cherokee Freedmen; said Kirk being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Emory Kirk.
Q How old are you? A I am 72.
Q What is your post office? A Chouteau Station.
Q What district do you live in? A Saline District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me and my wife.
Q What is your wife's name? A Evaline Kirk.
Q How old is she? A She is 74.
Q Does your name appear on the roll of 1880? A No, sir.
Q Your wife's name? A No.

BY MR. MELLETTE:

Q Emory, were you a slave at the beginning of the war? A I was.
Q Where did you live? A I lived down east of Wagoner there.
Q In what Nation? A In the Cherokee Nation.
Q Who was your owner? A Bill Alberty.
Q Was he a Cherokee citizen? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir, he taken me south, Choctaw Nation.
Q When did you come back from the Choctaw nation? A I came back in '65.
Q Where did you come to? A I came over on the Arkansas River there at Fort Davis, they called the place.
Q Where was that? A It is right on the Arkansas river right.
Q How far from Fort Gibson? A Well I reckon some four or five miles I expect.
Q Was that in the Cherokee Nation? A No, that was in the Creek Nation, where I came back to, that was in '65.
Q Well, then, when did you get over in the Cherokee nation? A In the fall of '65.
Q Where did you come to in the Cherokee nation? A Came over to Fort Gibson.
Q Where have you lived since that time? A I have lived here in the Cherokee Nation.
Q All the time? A Yes, sir, all the time.
Q How long have you lived where you are living now? A About 22 years.
Q Did you know your wife before the war, Evaline Kirk?
A No, sir, I didn't know her.
Q When did you marry her? A I married her about two years after peace, after I came back.
Q Where has she lived since you married her? A She has lived right where we are living now.
Q When did you first meet her after the war, that year, do you remember how long after you got back here? A I was just about long
Q Where were you married to her? A Right where we are living now.
Q You have lived there all the time? A Yes, sir.
Q Did you first there do you? A Yes, sir, right there I first located
Q Where is that? A It is up here in [illegible] I located there with my brother-in-law, he was sick and I waited for him a while.
Q How long have you lived where you are living now? A I have

BY MR. HASTINGS:

Q Where do you live now? A I am living down here.
Q Where? A Right east of Chouteau Station.
Q How far? A Five miles east of Chouteau.
Q Q You state not that you have been living there 32 years?
A Yes, sir.
Q Then you located there in '69? (NO response.)
Q Is that correct? A Where I am living?
Q Yes? A Yes, sir.
Q Now, where did you come from when you went there? A I come from Delaware District out there from the old, called it the old Thompson place, Butler McNair.
Q Butler McNair living on the reid Thompson place then?
A Yes, sir.
Q On which side of Grand river was that? A On the west si de.
Q There is a brick house, the old Thompson place, in Ketchum Precinct, where that bri ck house is? (No response.
Q Where Allen Ly nch and them lives? A Yes, sir.
Q They called it the old Thompson place? A Yes, sir.
Q Butler McNair was li ving there? A Yes, sir.
Q Did he have a family there? A Yes, sir, he had a wife.
Q Did he have any children? A He had a son.
Q What was his name? A Merry Butler.
Q Who else? A That was all the children he had.
Q In what year was that? A When I located there?
Q Yes, worked for Butler McNair? A That was in January, 1867 .
Q That was in January, '67? A Yes, sir.
Q Where did you go from when you went from there? A I just knocked about.
Q Well, ~~in~~ who did you work for, or where did you live before January, '67, now? A I just worked, waiting on a man, tending to horses you know.
Q What was his name? A His name was Ward, just riding.
Q Well,, where did Ward li ve? A He had been in the Army you know.
Q Well, where did he live when you worked for him, waiting on hi m?
A He was li ving up in Lawrence, Kansas.
Q Then you came from Lawrence, Kansas, up there?
A I went up to Kan sas and got my pay and I came back; he went off owing me and I went up there and got my pay.
Q Where were y ou working for him here that he got in debt to you? A I worked for him some there at Fort Davis.
Q Well, did you work for him after that? A Not a great deal after that.
Q Where? A In the Nation.
Q What Nation? A Cherokee Nation.
Q Well, where? A Up in that part of the Nati on, in Delaware District.
Q Well, what place in Delaware district, you worked for Ward?
A Just on the place, I just tended to his horses, he was a sort of a trader.
Q Don't you know where that was at, where you were working for him?
A Yes, sir.
Q Where was he? A He was there with Butler McNair.
Q Well, how long did you work for him there? A Two months or so.
Q He left owing you did he? A Yes, si r, and sent me, wrote for me to come up there and get my pay.
Q Why didn't he send your money down to you? A I don't know why he didn't.
Q Where was your post office at that time, where did you get mail?
A Didn't get none.
Q How much did he owe you? A Good so many dollars or less.
Q Well, you went to Lawrence, did you? A Yes, sir.
Q How long did you stay up there? A I didn't stay long, I was delayed a little by him not having the money; he got mad; I had got to be bad to pull the trigger to get money.
Q Did you find Butler McNair, and get it from him, that was his

occu pation? A Just kind of a trader.
Q Well, now, did you go south during the war? A Yes, sir.
Q Who took you south? A Bill Alberty.
Q Well, did Bill Alberty know Joel Alberty? A Yes, sir.
Q Who lives there near Chouteau? A Yes, sir.
Q He knows y ou good don't he? A He is my brother.
Q Why didn't you get him to t estify for you? A I did, he promi sed to be here.
Q He didn't testify for you before the Kern Clifton? A He did before the Wallace.
Q He didn't testify for you before the Kern-Cli fton Commission? A He wasn't here.
Q He was around at a number of them places and would say that would not he? A He would if I called on him.
Q Did you an d he come back together? A No, sir/
Q He come back before you did? A No, sir, I come back before any of them di d.
Q Who did you come back with? A I come back with seven colored men.
Q What was their names? A State Show, Jess Show, Jeff Welch.
Q Well, is that all? A Lewis Still, we sorter scouted out way through.
Q You testified before the Kern -Clifton Commission that you come back to this country with a Doctor didn't you? (No response.)
Q Didn't you say that, or not? A Yes, I was waiting on a Doctor too.
Q You just x now testified that you come back with seven colored men? A Yes, from the south?
Q Tes? A That was from the south and when I come from Kansas I come with thi s Doctor.
Q Well, did you work for Bu t ler McNair after you come back from Kansas? A Yes, sir.
Q Did you work for him before that? A No, sir.
Q How long did you stay in Lawrence, Kansas? A Oh, about two months I reckon.
Q What was that Doctors name you come back with? A Mack something.
Q Where did he come to? A He said he was going down in Missis-si ppi.
Q Where did you leave him at? A He left me at Butler McNair's, and he went on.
Q You testified before that you come back to Honey Creek in '66? A No.
Q You didn't? A No, sir.
Q Do you deny now that you testified to that? A Not to Hon ey Creek, it was on the old Thompson place.
Q Now, the first time you went to the old Thompson place Butler McNair was li ving there? A Yes, sir.
Q And that was in january, '67? A Yes, sir.
Q Is that the first time you saw Allen Leach after the war? A Yes, sir, first time after the war.
Q Was young Jess Cockran living there at that Thompson place at that time? A I don't know, I didn't know no Indians at that time, I always went by the name of M. Alberty, belonging to the Albertys.
Q You know Mr. Lindsey over there at Chouteau? A Yes, sir.
Q He married Mal. Bryant's daughter? A Yes, sir.
Q How far do y ou live from him? A About five miles.
Q You have known him ever since you come there? A Yes, sir.
Q He was living there when you come down there? A Yes.
Q Where did you say Jim Alberty was living when you
A I saw him the first time, I saw him, he was running over to Texas, he is about the first colored man I saw.
Q Where did you see him? A Saw him down in there near Bird Creek.

Q Below Gibson? A Yes, sir.
Q How far below Gibson? A Below Gibson and Fort Smith.
Q Well is that the first time you saw him? A Yes, sir.
Q What were you doing down there? A I was knocking around you know, getting little jobs wherever I could get them.
Q When did you see him, was that after you left Butler McNair's?
A No, it was before and he come up to Butler McNair's and saw him, he was going up to Big Creek.
Q Where did you see Fred Martin first? A I seen him very often.
Q Where did you see him first where was he livin g after the war?
A He was li ving, seems to me li e he was liying there a cross the river.
Q From Butler McNair's? A Yes, sir.
Q When y ou first saw hi m? A Yes, sir.
Q That was when you were at Butler McNair's? A Yes, sir.
Q Now, where did you go from Fort Davis over there in the Creek Nation, where did you go from there? A Come over in the Cherokee Nation.
Q To what point in the Cherokee nation? A Fort Gibson.
Q Well, how long e id you stay there? A I didn't stay there very lo ng.
Q Well, about how long? A I didn't stay more than a week.
Q Well, then where did you go? A Delaware District.
Q Butler McNair's? A Yes, sir.
Q That was i n January , '67? A Yes, sir.
Q And there is where you saw Allen Lynch? A Yes, sir.
Q And there is where you saw Fred Martin? A yes. sir.
Q Where did you see Dave Frennch? A I saw dave about the time I got married.
Q That is the first time y ou saw him? A Yes, sir .
Q Can't you tell us what you were doing when you saw Nim Alberty d wn below Fort Gibson; can't you tell me at whose house it was?
A Idon't know that it was at any house, he was always knocking ar ound.

BY MR. MCCLINTOCK:

Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Dreed men of the Cherokee nation exa ined and names of applicants found thereon as follows:
Page 130, #1249, Emory Kirk, Coowescoowe District.
Page 130 #3250, Evaline Kirk, Coowescoowe District.

Q Well, your wife hasn't ap lied here to be enrolled herself?
A She is old and very feeble.

The Wallace Roll of Freedmen of the Cherokee Nati on exa ined and names of applicants found thereon as follows:
Page 120, #2833, Emory Kirk, Coowescoowe District.
Page 120, #2834, Evaline Kirk, Coowescoowe Distri ct.

DAVID FRENCH, being first duly sworn by Commissioner T.M. Needles, testified as follows: DIRECT EXAMINATION

Q What is your name? A David French.
Q What is your age? A 72.
Q Where do you live? A I live up in Coowescoowe here, about here about eight miles.
Q Do you know, Evaline Kirk, the applicant here? A Yes, sir.
Q Do y ou know who her father was in the war, before the war?
A Yes, si r.
Q Who? A Known by the name of Jim Peck.

Q Was she a Cherokee Indian? A Yes, sir.
Q Where did Evaline li ve? A She lived in Flint.
Q Do you know where Evaline went during the war? A Yes, si r.
Q Where did she go? A She went up in Kansas.
Q Do you know when she came back to the Cherokee Nation? A Yes, sir, I brought her back.
Q Is she a relation of yours? A yes, sir.
Q What relation? A Sister.
Q Are you on the roll of 1880? A Yes, sir.
Q And Evaline, this applicant , is your sister? A Yes, sir.
Q And you br ought her back with you? A Yes, sir.
Q Where has she lived since you brought her back? A She has li v-ed on Grand river and then u p here on the Verdigris.

BY MR. HASTI NGS:

Q Why didn't you t estify for her before the Kern-Clifton Commission? A Bec ause I wasn't summoned.
Q You were around before it? A I wasn't summoned.
Q You testified in a great many other cases? A Yes, sir.
Q And yet she is your sister? A Yes, sir.
Q And you brought her back here? A I brought her back here.
Q And yet you never went to testify for her? A I never had any right.
Q The didnt have a single witness did she before the Kern-Clifton Commission? A I don't know.
Q How many people did you bring back with you? A I brought a good many at different times.
Q Name them? A I c an't name them.
Q Did you bring anybody else back but this person? A Yes, I brought a good many of them, I brought my brothers back and my sisters back and my brothers children back.
Q At the same time? A Yes, sir.
Q Then there was you and your wife? A No, sir.
Q Did y o have a wife then? A I had a woman then.
Q Were you livin g with her as your wife? A Yes, sir, I was living with her as my wife.
Q Did you have any children by her? A Yes, sir.
Q How many? A One.
Q What is its name? A Eli .
Q Very well, now, how many more people besides you three came back in that wagon? A There was a good many came back.
Q Name them? A I don't know as I could name them.
Q You can't name them? A I don't know as I could; these Wolf children all came with me, Dinah Timberlake came with me, there was a good bunch came.
Q Where did you come to? A We came first on Pryor creek and stopped there a while and then went down from there on the river.
Q Well, how long did you stop on Pryor Creek? A I don't know.
Q Well, about how long? A Well, I can't tell about how long.
Q Did you stop there a week? A Yes, sir.
Q Well a month? A I don't know.
Q Did you stop in a house? A I don't recollect.
Q You don't know whether you camped or stopped in a house?
A We c amped.
Q How many people c amped there with you? A I can't tell you, I didn't count them.
Q That place on Pryor creek did you camp? A Camped up there where Billy Lady lived.
Q Was he living there at the time? A I think he was.
Q What time of the year was it? A Latter part of the summer, as near as I can recollect.
Q Did you place any houses up there? A I don't be recollect putting any houses up there, we passed house before we came down there.
Q Well, now, when you left Pry or creek, you went over to Grand river? A Yes, sir.

Q To whose place? A I never went to any certain place, I went down to Gibson by St even Taylor's on Fourteen Mile Creek.
Q Did this woman go with you? A No, sir.
Q Where did you leave her? A Up on Grand river.
Q At whose place? A At Steven Tay lor's, where he was stopping.
Q Now, what place on Grand river was that? A Above Fort Gibson.
Q How far? A Not far from the Quarters, I don't know how far there.
Q On which side of the r iver? A On east side of grand river.
Q How long did she remain there? A She remained there until she left.
Q Well, did you leave her down there? A I left her there and come backwards and forwards, I made two or three trips.
Q Well, who of Steven Tay lor's fami ly were living at that time? A Steven and his wife.
Q Have any children? A No, sir.
Q How far above the crossing were they living? A I don't know.
Q Well, about how far? A I don't know, I didn't measure it.
Q Mile? A I don't know, a out mile I reckon.
Q What kind of a house was Steven Taylor living in? A Log house.
Q One room? A I don't remember.
Q Do y ou remember wherer he had a field in connection with the house? A I don't remember that.
Q Was anybod: else there when you wen t? A I don't recollect who was living.
Q Is he ; colored man? A He s a colored man.
Q Well, how long after that until y ou saw her again? A Saw who again?
Q Saw that woman? A Saw her when I went to Kansas and come back again.
Q Whereawas she then? A Right where I left her until spring and I moved her up to a widow woman's place by the name of Martha Vann.
Q Was she a Cherokee? A Half Cherokee.
Q That was up on Spring creek? A Above Spring Creek.
Q How far from Frank Cosme's place? A About five or six miles.
Q How long was it before she and Kirk married that you left her down there? A I don't remember.
Q You don't know what year they were married in? A I don't.
Q Do you know what year the _alloce Court sat? A I don't know that.
Q Do you know what year the Kern-Clifton Court sat? A I don't believe I does, I know when it was, but as TY my keeping a record of it I didn't do it.
Q Don't keep the run of dates? A No, sir, I don't.

BY MR. [illegible]:

Q I believe y ou say you are on the roll of 1880? A Yes, sir.
Q As a Freedman citizens of the Cherokee nati on? A Yes, sir.

ALLEN LYNCH, being sworn by Commissioner T. B. Needles, testified as follows; BY MR. [illegible]:

Q What is your name? A Allen Lynch.
Q What is your age? A 61.
Q Are you a Freedman citizens of the Cherokee Nation on the authenticated roll? A Yes, sir.
Q What is your post office? A Vinita.
Q Do you know the applicant here, Emory Kirk? A Yes, sir, E. Liberty.
Q How long have you known him? A I have known him ever since the war.
Q Do you remember where you first saw him? A Yes, sir.
Q Where? A He s a down (here on the Grand ri, Dr. Thompson place.
Q Do you remember when that was? A Right after the war, '67.

Q That would be in Jan uary? A yes, sir, somewheres along there.
Q Where has he lived sinc e that time? A I don't know, he lived down on Grand river somewheres, I never was at his house.
Q How often x have you seen him since that time?
Q I haven't seen him more than a few passing times.
Q You knew him before the war? A Yes, sir.
Q Where did he live? A Lived down at Alberty's.

BY MR. HASTINGS:

Q Who was he living with when y ou saw him first?
A He was living with nobody particularly; he just come down there from Kansas, I believe that is what he told me.
Q That was right after Christmas? A Yes, sir.
Q You remember it particularly? A I remember it was right after Christmas.
Q People coming in t here frequently were they? A Yes, sir.
Q That is 35 years ago? A If it had been 50
Q You c ould remember it? A Yes, sir, I can remember when I was a baby.
Q You have been a witness in a good many cases haven't you Allen?
A Not a great many.
Q That is what you come out here on? A No, sir.
Q On what business did you come up here? A On my own business.
Q Didn't you come out here soliciting to be witnessxxx before the Commission? A No, sir.
Q You didn't testify for this man before the Kern-Clifton Commi s-sion? A N o, sir.
Q How long did he remain there, Allen? A Oh, he stayed there a week or ten days.
Q Said he was from Kansas? A Well, I think that is where he told me, I ain't certain.
Q Did he have a wife w ith him at that time? A No, sir, not that I recollect, didn't have anybody with him when he come.
Q Q What did he do while he was there? A He didn't do much of anything.
Q W o was li ving in that house at that time?
A There wa s a whole lot of us, Andy Frye and Tobe Schrimpsher and Aaron and five or six fellows.
Q Well, who else Allen? A Aaron Marti n and Jake Martin's family and Andy Frye and Tobe Schrimpsher's family, and this women's family that Mose Hardrick has got.
Q Was Mose Hardrick living there at that time? A No, sir, the wife he has got now was.
Q He was not living there? A N , sir, Mose lived in another house separate to that.
Q Was this man with a Dester up there? A I can't tell you exactly now who he was with, he was up there I was acquainted with him and knowed him.
Q You don't remember who he was with? A I don't remember who he was with.
Q Wasn't he there with a white Dester? A Seems there was a white man with him but I don,t remember who he was.
Q You can't recollect that fellow's n ame? A No, sir. This man I was acquain ted with him because he was in the army with me.
Q Who was that fellow doing while he was there, this applicant?
A Wasn't doing anything, just knocking around.
Q Do you know where he went from there? A No, sir, I don't, I don't know where he went.
Q Well, he never went back from Kansas from there did he?
A No, I think he went down the river.
Q Well, you were living there at that place weren't you?
A Yes, sir.
Q And you think he went down the river? A Yes, sir.
Q You never heard of him going back to Kansas? A No, sir.
Q You never heard of his following this man off up there to collect money off of him? A No, sir.

Q Where was Butler McNair living then? A Butler was living there but he didn't have his family there just batching, he hadn't brought his family from Kansas then.
Q Brought his family that fall? A Brought his family that spring I think.
Q Spring of '67? A Yes, si r, i won't be su re.
Q He hadn't brought them there then? A No, sir, when this man come up there.
Q That was i n January, '67? A Yes, sir.

BY COM'R NEEDLES:

Q You said, Mr. Ly nch, that you saw this man just after Christmas?
A Yes, sir.
Q What Christmas was that? A That was the Christmas of '66, would be just after Christmas would be '67, that is what I mean.

BY MR. MILLETTE:

Q Just after Charistmas you said you saw him? A Yes, sir.
Q Well would that be the first part of '67 or last part of '67?
A First part of '67.
Q In what mon th? A It would be in January or along about.

JIM ALBERTY, being fir st duly sworn by Commissioner T. B. Needles, t estified as follows: BY MR. MILLETTE:

Q What is your name? A Jim Alberty.
Q What is your age? A 70.
Q Where do you li ve? A Saline District, Cherokee Nation.
Q Do you know the applicant here, Emory Kirk? A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q Where did he live before the war? A Lived in saline District with Will Alberty.
Q Where did you see him after the war first, do you remember?
A Up on the river at Doctor McNaits old place.
Q When was that? A That was in February, no, i n January of '67.
Q How did you happen to see him there? A I was visiting the man, he was st pping with Butler McNair.
Q Where has he lived since that time? A Right down about two miles of me in saline District.
Q How long has he been li ving there? A I guess he was been there 30 years.

BY MR. HASTINGS:

Q On what side of the river was Butler McNair living when you saw him in January , 67? A On t he east side, same side I am on.
Q That was down at the old McNair place? A Yes, sir.
Q Now, how far was that from the Jo hnson Thompson place?
A That is the same plac , the McNair place and the Jo hnson Thompson places the same.
Q Well, you were there east of the river were you when you saw hi m
A Yes, sir.
Q Well, now, who was living there at the time wit h Butler McNair at that old place? A His family.
Q Well who of his family? A Son, Butler and his wife, that is all he had.
Q Hi m and his wife, his wife was there with him, Butler McNair's wife? A Oh, yes, sir.
Q Was any other colored person living there at that place at that time? A None that I know of but Kirk.
Q Did you just see him there the one time? A Yes, sir.
Q How long was it until you saw him again? A I suppose it may have been six months.
Q Where did he say he was from when you saw him first?
A Up I oneh, Kansas.
Q Well, he had been up in Kansas during the war, had he? A Yes, sir, I suppose he did, I didn't see him up there.
Q Did he tell you he had been a slave? A Yes, sir.
Q Did you ever hear of Kirk's [illegible]? A No, sir.

Q Well, he didn't go south with ye u fellas di d he? A No, si r.
Q Well, he belonged to Bill Alberty did he? A Yes, sir.
Q And you claim to belonged to John? A Yes, sir.
Q Did Bill Alberty 's slaves go south or north? A They didn't all go south and all go north, he run away from south and came back just like I did.
Q How long did you know him down there u ntil he come back; how long did you know this applicant down there until he come here?
A I didn't know him at all.
Q You were not in the same section of the country? A No, sir.
Q You were over about Little Rock? A No, sir; I was with a man I yold you t hat took me with a horse, I can't tell the first name now, Weldon.
Q Where did you next see this man after you saw hi m at Butler McNair's? A I saw him where he was living now, fixing to marry this woman he has got now.
Q Where did he marry her? A At his house.
Q Ji m, you have been a witness for a good many people haven't you? A Yes, sir.
Q You testified in the Johnson Walker case didn't you? A Yes, sir.
Q You saw him as you were going across the river to Muskogee to trade in '66? A Yes, sir.
Q You testified that? A Yes, sir.
Q You still stick to it? A Yes, sir, I bought some tobacco there.
Q You are the fellow that drove those cattle that immenc e distanc e and back that day? A I didn't the same day, part of the night.
Q How much of the night? A I don't know, I had them to take in.
Q Well, you are a disputed citizen aren't you?
A You ought to know that without asking me.
Q I want to get it in this case. (No response.)

BY COM'R MERRIAM:

Q The Cherokee Nation disputes you don't they? A Yes, sir.

BY MR. HARDING:

Q Do you know where he lived after he left Butler McNairs place that time? A No, sir.
Q You don't know whether he went back to Kansas or not?
A No, sir.
Q You didn't witness for him five years ago did you?
A Yes, sir, I guess I did.
Q Before the Mern-Clifton Court? A Yes, sir.

BY MR. MCKENNON:

Q Did you see him before you saw him there on the r i v er after the war; had you seen him any other place during t he war? A No, s

EMORY KIRK, the Applicant, recalled: BY MR. HARDING:

Q Where is your wife? A She is at home.
Q Is she up able to do the work? A She has been down with the rheumatism and has worn herself out.
Q Is she sick or y ou sick? A I have been down with the rheumatism.
Q Is she sick or waiting on you A No, sir, she is sick with the rheumatism.
Q How old is she? A 74 years old.

EMORY KIRK, recalled: BY MR. HARDING:

Q Do, which on which side of Grand r iver is the old Johnson Thompson place? A On the west side.

BY COM'R MERRIAM:

Q The Goodlow is on which side of the River to the Johnson Thompson place? A Johnson Thompson is on the west side and Goodlow Thompson is on the east side.
Q The River is between them? (Yes, sir.)

Henry Kirk, et al. S-18.

CONCLUSION

CONCLUSION: Henry Kirk applies for the enrollment of himself and his wife, Evaline. They neither can be identified upon the authenticated rolls of 1880 but are both identified upon the Kern-Clifton and Wallace rolls, according to the page and number of the rolls as is disclosed in the testimony. Applicant avers that he was a slave and that he returned to the Cherokee Nation at the time prescribed by the treaty of 1866. He makes satisfactory proof as to his residence, consequently Henry Kirk and his wife, Evaline, will be listed for enrollment as Cherokee Freedmen as a doubtful case. They will be notified by mail of the decision of the Commission in the premises.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this 8th day of July, 1901.

Tams Bixby

Commissioner.

SUPPLEMENTAL, D 788.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Emory Kirk for enrollment as a Cherokee Freedman;
JERRY ALBERTY, being sworn by Commissioner Needles, testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

BY MR. SMITH:

Q State your name? A Jerry Alberty.
Q Where do you live? A Near Wagoner.
Q How old are you? A I am about 66.
Q Do you know Emory Kirk? A Yes sir.
Q How long have you known him? A I have known him ever since I knowed myself, my brother.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Old Moses Alberty.
Q Was he a Cherokee Indian? A He was a white man, adopted citizen.
Q Adopted citizen of the Cherokee nation? A Yes sir.
Q Who was his wife? A He had two wives, Betsy and Susie.
Q He was an adopted citizen of the Cherokee Nation you say? A Yes sir.
Q You know where Emory Kirk was when the war commenced? A Yes sir.
Q Where was he? A On Red river, right where I was.
Q When the war commenced? A Oh when the war commenced he was living in Coowescoowee District when the war commenced.
Q Was Emory out of the Nation during the war? A Yes sir, we went south together.
Q When did Emory return if you know? A He came back here before the war closed; he ran off and came back to the Cherokee nation.
Q What point in the Cherokee nation? A Ft. Gibson.
Q ~~Have you been instructed~~ Where was he in '66? A He was in Ft. Gibson.
Q How long did he remain about Ft. Gibson then after the year '66?
A I couldn't tell you how long, there is where I saw him first.
Q About what time of the year was it? A In the spring.
Q Did you see him any after that? A No sir.
Q Where did you next see him after the spring of '66? A I saw him about a year after that, after I left there I was working at Webbers Falls and he came down, I saw him at Gibson, and about a year after that I saw him where I was living, I moved from Ft. Gibson up on Grand river.
Q What time did you move from Ft. Gibson? A We moved up there along in January, after we got the crop laid by and gathered we moved up on the old place, old Alberty's place where we was before the war.
Q Where did you move from? A Webbers Falls.
Q Where does Emory live now? A On this old salt lick here, lives in Saline District.
Q How long has he been living there? He has been living there I guess 18 or 20 years.
Q You have there he was living before he lived at the salt works?
Q He just lived about and about; he never had no home until after he married.
Q How long has he been married? A I guess close to 20 years, 18 or 16.

BY MR. DAVENPORT, Cherokee Nation:

Q How Emory has been living there in one place about 18 or 16 years? A I guess it has been that long.
Q Where had he been living from the time you think you saw him in

Emory Kirk sup'l 8

'66 up to that time? A I couldn't tell you.
Q Hasn't been living in your neighborhood? A I was living way back there.
Q You have been living up near him since he married, that all?
A Yes, since he married.
Q Did you see him at all from the time you claim you saw him in '66 until he married? A I saw him once or twice; I couldn't tell you exactly what time it was, I never saw him very often.
Q You don't know where he had been living? A No sir, I guess he was working around.
Q He went south with you during the war? A Yes sir.
Q And came back before you did? A Yes sir.
Q You don't know what part he came to, but you saw him at Ft. Gibson in '66, was it in the spring or winter? A In the spring.
Q What time did you get back to Ft. Gibson? A I never did live at Ft. Gibson, lived at the Falls; went to Gibson to see my sister.
Q What time did you get back from the South to Webbers Falls? A I come there Christmas, '65, December, '65.

M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes as read.

M.D.Green

Subscribed and sworn to before me this July 13,1901.

Commissioner.

Supl.C.F.-D.#722.

[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EMORY KIRK as a Cherokee freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Mr. Mallette, of Counsel for Applicant;
Mr. L. E. Bell, of Counsel for Cherokee Nation;

R. W. LINDSEY, being duly sworn, testified as follows on part of the Cherokee Nation; examination by the Commission:

Q What is your name? A R. W. Lindsey.
Q What is your age? A 49 years old.
Q What is your post office address, Mr. Lindsey? A Chewey.
MR. BELL: There is an Emory Kirk, a freedman, claiming that he was the slave in the Cherokee Nation at the beginning of the war and that he belonged to one William Alberty, a citizen of the Cherokee Nation; do you know the man? A Yes, sir, I knew him.
Q Do you know anything about his leaving the country at the beginning of the war; anything about Alberty taking him out? A Yes, sir, I was on Red river during the war; Alberty taken him out in my understanding.
Q Do you know where he lives at this time? A Yes, sir, he lives in Saline district, Cherokee Nation.
Q How long has he been living at that place, could you tell?
A Well, pretty close, a little more than about 20 years, little over 20 years I think he first settled there early in '76.
Q How far is that from where you live? A About four or five miles.
Q Has he occupied that same place since '74 or '5? A Yes, sir.
Q Lives there yet? A Yes, sir.
Q Do you know anything about when he married his present wife?
A Well, at the same time he married, I understood it and something moved on that place there, I would rather think, I don't know whether it would be testimony, that his wife rather owned the place and they changed immediately on the place.
Q What was his wife's name? A Emaline.
Q Emaline what, before he married? A Emaline Kirk.
Q Was it Emaline or Evaline? A Emaline, that is correct.
MR. MALLETTE: Mr. Lindsey, do you think, desire to state positively that he located on this place in '76, or is that just approximately that? A Sir, sir, my positive statement is to the best of my recollection that it was in '76. That is, early in '76, that he settled there.
Q Did you ever have this matter called to your attention before?
A Yes, sir, I was before the Citizen.
Q Were you before the Citizen Committee in this case?
A Yes, sir, and I will state another thing if you want me to go ahead.
Q I don't care anything about that, I am just asking you how you found out that? A I could give you that.
Q Did any other colored people live on land adjoining?
A Yes, sir.
Q Who? A There was my brother on one side of him, I think, a few years after they moved in there, I [illegible] and [illegible], about ten years after they moved in on adjoining land.
Q Do you know colored people lived adjoining them? A Yes, sir, on the east side of Emaline and on the west side of Emaline there were several.

Q Name some of them? A Johnson Vann.
Q Where did Johnson live? A Johnson lived almost immediately due west of where Emory Kirk lived on the west side of Grand river.
Q When did he move there? A Well, about '73 I think it was when he moved there, about '73.
Q Do you fix that time absolutely do you? A Well, to the best of my recollect, yes, sir.
Q What was there to impress upon your mind about this fellow living there? A Well, at that time I was kinda trading around in the country, trading in stock and I mixed with the people and could tell where they located and where they moved to and moved from and so on, that was the reason of that.
Q Did you have any particular reason for knowing the time Emory Kirk moved on the place he is living on now? A Well, I will state it my way, Emory Kirk was, got to be rather aged man up in 40 and the woman he married was the same way, what they termed an old maid, and it made a little kind of a talk in the neighborhood and so on that Emory Kirk had married Evaline Nave, and that she had stayed in the place a very little while, a few days after he married, I remember his coming over to the store, the place where I was doing business, just day or two afterwards.
Q Well, would there be anything in all that to fix the date he moved on the place? A Well, yes, sir, by general idea I have, taking dates and so on, I know about what happened each day I was i n business there at Cheuteau.
Q How long ago was it before you were before the Kern-Clifton Commission on this matter? A I don't remember the month, I think it was in '96.
Q That was about 21 years after you say that Kirk moved on that place? A Yes, sir.
Q That is the first time you had ever particularly had your attention called to the question of dates? A I don't know but what it was.
Q Well, Emory Kirk of course wasn't an associate or anything of that kind? A Not especially so; he is a very substantial, good citizen, and a man that has the good will of everybody.
Q But there was not anything in the association with him that would draw your particular attention to him? A Nothing more than any other man.
MR. HILL: Mr. Lindsey, how long have you lived a neighbor to Emory Kirk? A Where I live now and where he lives I came there in September, '74.
Q You have known him along since that? A I have known him continuously.
Q And you were a merchant there? A Yes, sir.
Q Sold goods; did you ever sell any to him? A Yes, sir.
Q Did you ever sell him any on a credit? A Lots of them.
Q Well, that is good reasons for knowing him? A Yes, sir.
MR. MCKINNEY: You say he is a good man? A Yes, sir.
Q Did you sell him goods on credit? A Yes, sir.
Q Regarded as a substantial, colored citizen of that country?
A Yes, sir.

GEORGE PAMPLIN, being duly sworn, testified on failure on part of the Cherokee Nation: Examination by the Commission:
Q What is your name? A George Pamplin.
Q What is your age? A 56.
Q What is your post office address? A Chouteau.
MR. HILL: Well, Mr. Pamplin, a colored man by the name of Emory Kirk claims to be a Cherokee freedman, formerly a slave of William A Emory; do you know anything of this Emory Kirk, are you acquainted with him? A Yes, sir.

Q Do you know where he lives at the present? A He live east of Chouteau, in Saline district.
Q How long has he been living there? A I could not tell you exactly how long, it has been a good many years.
Q Well, as much as twenty? A In saline, no, sir, not that long.
Q Right where he is living now? A No, sir, well somewheres along about maybe about 12 or 14.
Q How far do you live from him? A Well I live about six or seven miles.
Q How long have you lived there? A Well I live about thirty years at my place, I am in Chouteau now; my place is about seven miles from Kirk's place.
Q How long since you moved into Chouteau? A About four or five years.
Q And you have x been acquainted with this Emory Kirk, living there about 12 or 14 years? A Yes, sir.
MR. MELLETTE: Well, Mr. Pumpkin, you know when he located on that place? A Not exactly when he located.
Q And you remember the circumstance of his locating there?
A Yes, sir.
Q And you say 12 or 14 years ago? A Yes, sir, one or the other years.
Q Well, it is not a fact that he lived on this place 25 years, or at least 20 years A No, sir.
Q You could not be mistaken about that matter could you?
A No, sir.
Q Did you hear Mr. Lindsey's testimony? A Yes, sir.
Q Where is that place you are talking about? A Where he is now.?
Q Yes? A In Saline district, east of Chouteau.
Q East of the Grand river? A Yes, sir, on this side.
Q And you say that he has not lived on that place over 12 or 14 years? A Yes, sir, when he first came back from where he had been he was on the other side of the river, on the west side of the river.
MR. BELL: When was that he was on the west side of the river?
A It was somewheres, '73 or '4, when I first saw him.
Q That was when he lived on the west side of the river?
A Yes, sir.
Q How long was it before he moved across? A I could not tell you exactly.
Q Do you know who owns the place where he lives now before he ~~xxx~~moved on it? A No, sir.
Q Don't know anything about the place? A No, sir.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 23d, 1921.

C. R. Breckinridge

Examiner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Emory Kirk for enrollment as a Cherokee Freedman.

Testimony on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

JIM RIDER, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jim Rider.
Q What is your age? A About 56 or 7, I don't know exactly.
Q Do you know Emory Kirk, lives near Chouteau? A Yes, sir, I know him.
Q A colored man? A Yes, sir.
Q Did you know him before the war? A Yes, sir.
Q What is your postoffice address? A Chouteau.
Q You say you knew him before the war? A Yes, sir.
Q How far did you live from him before the war? A Well, there was one while I lived about four miles from him I reckon.
Q Were you well acquainted with him? A Yes, sir, I was well acquainted with him.
Q When did you return to the Cherokee Nation after the war? A I returned the spring of '66.
Q Where? A Just returned to Webbers Falls..
Q How long did you stay there? A I stayed there about three weeks I reckon, between three and four weeks.
Q Then where did you go? A Fort Gibson.
Q How long did you stay there? A Stayed there about a month.
Q Then where did you go? A Went from there over on Greenleaf.
Q How far and in what direction is Greenleaf from Fort Gibson?
A Kinder southeast as well as I can recollect.
Q About how far? A I was about 12 miles away from fort Gibson.
Q How long did you stay at Greenleaf? A I stayed there at Greenleaf from the latter part of March until the 10th of July.
Q Well where did you go from there? A I came back to Fort Gibson.
Q How how long did you stay there at Fort Gibson? A I stayed about a month after I came back from Greenleaf.
Q Then were did you go? A came here to where I am living now, Muskogee.
Q How far is that from the town of Chouteau? A About two miles and a half or three.
Q How far from Grand River? A Why I live about a mile from the river.
Q Is Grandy a little stream that flows into the Grand river?
A Yes, sir.
Q Down there near Chouteau? A Yes, sir.
Q About how long it is? A Grandy, just a stream I reckon about between four and five miles long.
Q How long you lived there ever since? A Yes, sir, lived there ever since.
Q When did you first see Emory Kirk after the war? A Well sir, I don't just recollect when it was, but than it was two or three years after the war when I saw Emory Kirk
Q Did you see him down at Webbers Falls when you were there?
A No, sir.
Q Did you see him at Fort Gibson? A No, sir, I didn't see him at Fort Gibson.
Mr. Mellette: You don't know that Emory Kirk didn't at Fort Gibson

in the fall of '96, do you? A. No, Sir, I don't.
Q Where did you see him two or three years after the war?
A Saw him down on Kenny where I lived.

Commissioner: This testimony will be filed with the com-

Witnesses

Bruce G. Jones, being duly sworn, says that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

In the matter of the application of Emory Kirk, et al., for enrollment as Cherokee Freedmen, the following supplemental testimony is offered on part of the Cherokee Nation:

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

~~ED ADAIR, being duly sworn, testified as follows on part of~~ Cherokee Nation:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A I live in Saline district.
Q How long have you lived in Saline district? A I have lived there ever since '66.
Q Do you know Emory Kirk? A Yes, sir.
Q How long have you know him? A I have known him ever since about 1873.
Q Do you know his wife? A I do.
Q Did you know her before he and she were married? A Yes, sir.
Q Do you know his wife's father? A Yes, sir.
Q Do you know his wife's mother? A Yes, sir.
Q What were their names? A Charlotte Brown and Dave Brown.
Q What is his wife's name, first name do you remember?
A Evaline.
Q Now, do you know when they were married? A I knew about when.
Q Do you know whether or not her mother and father were living or dead at the time they were married? A They were dead.
Q Do you know about when they died or anything to refresh your memory, anything that tells when they died? A Yes, sir
Q When did they die? A The old lady died along about 15th day of September, 1873, and old man died January 3, I think, 1876.
Q Did you refresh your memory as to these dates?
A Yes, sir, I went and looked on the tombstones.
Q In the Cemetery? A Yes, sir.
Q And these are the dates that were given on the tombstones?
A Yes, sir. Emory Kerk married this lady about a year after the death of her father.
Q You don't know where he was during the war? A No, sir.
Q Or where he was after the war up until about '72 or '3?
A No, sir, that is the first I ever saw of him.
MR. SMITH: What did you state, Mr. Adair, in regard to his marriage, as to when that occurred? A He married this lady he now lives with about a year after her father died.
Q What makes you remember that? A I was living close there, I was living in a mile and a half.
Q How long after he married her was it before your attention was called to the date of his marriage? A Why I never saw them married but heard of them marrying.
Q Well, you didn't think anything about the matter one way or the other until something came up to call your attention to the date?
A Not until I was subpoenaed in this case.
Q Was that before this Commission? A Yes, sir.
Q Did you testify before the Kowalchiron Commission?
A No, sir.
Q Where were you living when the Kowalchiron commission met?
A I was living towards the neighborhood where I am living now.
Q You had been living there for long? A Now about '66.
Q The Kowalchiron Commission didn't call upon you at that time to testify?
A No, sir.
Q Did you at that time you had occasion to know of the facts you

this marriage occurred when you were called upon to testify before this Commission; is that right? A Yes, sir.
Q well, that has been how many years ago you say? A I was along about 1873.
Q Been 27 or 8 years ago? A Yes, sir, somewheres along there.
Q Well, now, you went to the tombstones you say to find out when her father died? A Yes, sir.
Q Whose father? A Emory Kerk's wife's father.
Q Well, you found out that that occurred at what time? A At what ti me did he die?
Q Yes? A He diedin '76.
Q Well, now, after a lapse of 26 or 7 years what caused you to remember that the marriage occurred after the death? A Well, I wasn't certain as to about when it was, I knew it was somewhere about that time and to refreshen my memory I thought I would go and look on the tombstone and see.
Q Well, I can understand that, but what I want to know is that aft r a lapse of that many years what caused you to remember that they married after the death? A Why I just happened to know just about when they married, and satisfied myself that they married after the death of the two old folks.
Q You are a citizen of the Cherokeenation by blood, are you, Mr. Adair? A Yes, sir.
Q These people are colored people? A Yes, sir.
Q Where did this man die? A He died there where they live, they moved a little piece from where they usedto live, a couple of hundred yards.
Q Any other colored people living there? A Yes, sir.
Q Who? A This lady's sister live there, Jennie.
Q Who else, what other family? A Right around there, you mean in the neighborhood? A
Q Yes. A Why Reuben Nave lives there.
Q Reuben Nave's father have a wife? A Yes, sir.
Q Did you know her? A Yes, sir.
Q Did she have a sister? A Reuben's mother?
Q Yes? A Not that I recollect of.
Q What other families were there? A Sam Butler is there.
Q Got a wife? A Yes, sir.
Q Has she got a father? A No, sir.
Q Dead? A Dead.
Q Died before she married or after? A Sam Butler's father, you mean?
Q Yes? A He died after the war some time.
Q Well, which occurred first, Sam Butler's marriage; I mean the man's marriage or the father-in-law's death? A I don't recollect when he died.
Q You don't remember which occurred first? A No, sir.
Q Well, now, is there any other couple down there, married couple, where the wife's father died that long ago and you remember distinctly which occurred first, the death of the person or the marriage A No, sir, I don't recollect them.
MR. DAVENPORT: Mr, you have been living there in Saline district, I believe you say, since the war? A Yes, sir.
Q Have you been elected to any offices there? A Yes, sir.
Q What office have you held? A I elected Clerk and I elected Sheriff I think twice.
Q Had an opportunity to see all the people around there?
A Yes, sir. I was also census taker twice and this man never made any application for enrollment.
MR. MCKEE: Did you go to his house? A No, sir.
Q Did you go to other people's houses? A No, sir.
Q How did you take the census? A A questionnaire
Q And didn't go to the houses? A No, sir.
Q Well, how long since you took the census? A Last census was 1890.

Q Did you take one before that? A Yes, sir; in '85, '82 I think it was, it was in '82 or '3.
Q You took the census re Freedmen in '82 or '3? A Why, no, wasn't taking the census of Freedmen then.
Q Well, what freedmen census did you ever take? A Well, it was in '96.
Q Did you put any Freedmen on the roll in 1896? A I think so.
Q Well, don't you know? A Don't recollect the names.
Q Well, do you recollect the names of any of them? A Yes, sir.
Q Who did you put on t he roll? A Sam Butler.
Q Who else in '96? A That is all in '96.
Q You can name one man that you know? A Yes, sir.
Q Now, can you recolle ct all the names of the people that didn't apply to you? A Ellis Rogers.
Q Well, didn't he? A He applied.
Q You didn't make anything like a complete roll of anybody in 1896 did you? A I don't know whether I did or not.
Q What kind of a roll was that 1896 roll? A It was what was called the Constitutional census taking, every ten years.
Q It was not a citizenship roll at all? A No, sir.
Q Just census roll? A Yes, sir.
Q Never was a complete roll in any degree? A No, sir.
MR. DAVENPORT: It w as intendedto take all the citizens in that district? A Yes, sir.
MR. SMITH: Did you take all? A All that made application.
Q How many did you takd you think, about half of them?
A I don't know.

----oooOOOooo----

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedingsin thiscase, and that the foregoing is a true and compete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 29th, 1901.

Commissioner.

Freed D and

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Hesse Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206 filed in the Mariah Hayden case F D 492, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden; and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Kirk, D 792;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission.

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those that come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Eastern District, Indian Territory.

Mr. Gill:

The objection for the above that as to the three named cases including the Mariah Hayden case that counsel for the applicant be allowed seven days in which to file any proof of any or all of the relevant facts in the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last. that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court or the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. J. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. C. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Emory Kirk, et al., as Cherokee Freedmen, consolidating the applications of:

Emory Kirk, et al., Cherokee Freedmen D-782
John Markham, et al., " " D-789

---: D E C I S I O N :---

The record herein shows that applications were made to this Commission, for the enrollment as Cherokee Freedmen, by Emory Kirk, for himself and his wife, Evaline Kirk; and by John Markham (son of Emory Kirk) for himself, his wife, Charlotte Markham, and his minor son, Joe Markham. Application was also made for the enrollment of Alice Vann, as a Cherokee Freedman, but inasmuch as her application is differently classified, she is not included in this decision.

None of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, and although ample opportunity has been afforded said applicants to establish by satisfactory evidence their right to enrollment as Cherokee Freedmen, they have failed to do so.

The record herein shows that Evaline Kirk died on November 27, 1901.

Section 28 of the Act of Congress approved July 1, 1902, (32 Stats., 716), provides:-

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is therefore the opinion of this Commission that following the ruling of the Department in the cases of Eliza Bryant, et al., (I.T.D.544-1904), William Foster, (I.T.D.1448-1904), Minnie Duncan, et al., (I.T.D.1470-1904), Samantha Chambers, (I.T.D.2296-1904), Ed Williams, (I.T.D.4230-1904), Martha Albert, et al., (I.T.D. 4738-1904)and Moses Rose, (I.T.D.6066-1904), the applications made for the enrollment of Emory Kirk, John Markham, Charlotte Markham, and Joe Markham, as Cherokee Freedmen, should be denied, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

It is further ordered that application made for the enrollment of Evaline Kirk, as a Cherokee Freedman, be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
[illegible]

F2 782

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901.

Given under my hand this

day A. D. 1901.

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 18 1901

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

NOTICE!

IN THE MATTER OF The application of _____
for enrollment as a Cherokee Freedman: Henry Kirk

Case No. F. D. 782

To Henry Kirk or Millard & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T., Indian Territory, on the following dates, to-wit: Sept. 28th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of _____ 1901.

P. B. Pell

W. W. Hastings

Attorneys for the Cherokee Nation.

Hold

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-782-129.

Muskogee, Indian Territory, April 22, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, dismissing the application for the enrollment of Eveline Kirk, and rejecting the applications for the enrollment of Emory Kirk, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. 8-67

(COPY)

G.R.
S.P.

D. C. 53809-1905.
I.T.D. 4960-05.
5726-05.
15754-05.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 27, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with your request made by letter, dated November 14, 1905, and upon the representations made therein, there is herewith transmitted to you through the Indian Office the record in the consolidated case of Emory Kirk, et al., Cherokee freedman D -- 782 et al., for the readjudication of the claim of John Markham alias Sudie Kirk.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

1 enclosure.

Through the
Commissioner of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-782.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith, for your information, copy of Departmental letter of November 27, returning at the request of this office, the record in the matter of the application for the enrollment, as Cherokee freedmen, of Emory Kirk, et al., Freedmen D-782, et al., to be used in connection with the readjudication of the claim of John Markham, alias Sadie Kirk.

Respectfully,

Acting Commissioner.

Encl. S-26

Cher. Fr. D-783

Cher. Fr. D-783

To be filed with case of James Beason, C. F. D. #783.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 11th, 1901.

Mellette & Smith Attorneys for the applicant.
James Davenport for the Cherokee Nation.

In the matter of the application of Jef Rowe for the enrollment of himself and three children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jef, Rowe.
Q How old are you? A 36.
Q What is your post office? A Wyner.
Q In what district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you desire to have enrolled besides yourself? A Three children.
Q Give me their names? A Grant.
Q How old? A 18 years.
Q Next? A Viola.
Q How old? A 17 years.
Q Next? A Leola.
Q How old? A 16.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A No, sir.
Q Is your name on any of the rools of the Cherokee nation?
A On the 1896 roll and the Kern roll.
Q Did you draw strip money? A Yes, sir.

Kern Clifton roll examined and the name of applicants found as follows:
Page 130 No. 3244, Jeff Rowe, Cooweescoowee district.
Page 130 No. 3245, Grand Rowe "
Page 130 No. 3247, Viola Rowe, "
Page 130, #3246, Leola Rowe, "

Q What is your father's name? A Dan Rowe.
Q Is he living? A No, sir.
Q Your mother's name? A Garriett Rowe.
Q She living? A No, sir.
By Mr. Smith: How old are you? A 44.
Q Were you a born slave yourself? A Yes, sir.
Q Who did you belong to? A Levis Rose, Chief John Ross' brother.
Q Was he a Cherokee citizen? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Where were you after the war commenced? A On Grand river in the Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir
Q Where to? A Kansas.
Q When did you return her? A April of '66.
Q Who was with you? A Some soldiers and an Indian by the name of [illegible], I disremember his given name, sounds like it was [illegible].
Q What year? A April, '66.
Q What point did you come to there? A Fort Gibson.
Q How long did you remain there? A Until in September.
Q Where do you live now? A On the Grand.
Q How long have you lived there? A About two.
Q Are these children you named all living with you? A Yes, sir.
Q What is your wife's name? A My first wife was named Sylvia, she is dead.
Q Was she the mother of all your children? A Yes, sir.
Q Of all of them? A Yes, sir.
Q Where were you married? A At Fort Smith on the Arkansas line, and the president said one; and married her.
Q Were you married? A Yes, sir.
Q Was you married by a preacher? A Yes, sir.

Q Who? A Peter Conway, he is dead, he lived at Van Buren.
Q Have you a certificate of your marriage? A No, sir.
Q Is there any one here who knew your first wife while you and she were living together? A Yes, sir.
By the Commission: What was your first wife's name when you married her? A Walker.
Q Was she a citizen? A No, sir, a state woman.
Q What was your present wife's name when you married her?
A Webber, Harriett Webber.
Q Is she living? A Yes, sir.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir, we are separated now.
By Mr. Davenport: You came to Big creek in 1880 didn't you?
A No, sir, I come there in '66.
Q When did you go there to live? A Latter part of November, '66.
Q Have you been living there ever since? A No, sir.
Q How long have you been living there the last time? A Ever since '79.
Q Before that you were in Fort Smith, Arkansas? A Yes, sir, near there and on the river.
Q And before that you lived in Camden, Arkansas? A No, sir.
Q What year were you married? A '74.
Q Were you not married at Camden, Arkansas? A No, sir.
Q You were at Little Rock after you were married, how long did you stay there? A I was there going to school, that was before I married, I was there going to school three terms, I was there 9 months in '72, 9 months in '73 and 5 months in 74.
Q What school did you go to there? A the Freedman high school.
Q Before you went to Lightning Creek, where had you lived?
A Up until '69 I was in the Cherokee Nation, part of the time on Big Creek and on Coal Creek and in the Strip.
Q You have a daughter named Mary? A Yes, sir.
Q Where were you when she was born? A At Fort Smith, I was on the land there that was in the Cherokee Nation, right down where the Missouri Pacific Depot is now, near there, there is a saw mill or something there now, a place where they make furniture.
Q When your daughter Mary was born, had your wife lived in the Cherokee Nation at all? A Yes, sir.
Q What year was he born in? A '78.
Q Where had you lived in the Cherokee Nation between '74 and '79?
A We lived part of the time on this steam boat and part of the time at Fort Smith where the Cherokee Nation runs in there, there is a chair factory there, where the depot stands now, this side of Campbell LaFlore's.
By The Commissioner: Where were you born? A In the Cherokee Nation.
Q What Part? A On Grand river, in Saline district.
Q Your father took you out of the Cherokee Nation during the war did he? A Yes, sir.
Q You married the first time in '74? A Yes, sir, and the last time in '93.
Q How long did you run on the river after you married the first time?
A We was on the river when we married and was running on there until '79 off and on.
Q Did you then come to Big Creek? A Yes, sir.
Q You and your wife were running on the river together?
A Yes, sir, she was mild and I was the mate boy.
Q On the Arkansas river? A Yes, sir.
Q What was the name of the boat? A The Dee Arm, Captain Mosher's boat.
Q Was that your only occupation from '74 until 79? A Yes, sir, except cutting wood when the water was not high enough to run the boat.
Q Where was your wife living then, when you were cutting wood?
A In the Cherokee Nation, there at Fort Smith.

Q There Cherokee Nation don't run up to Fort Smith does it?
A Yes, sir, right back of the old garrison.
Q How much of it? A Not much, the corner is right there some where by Campbell LaFlore's house!

By Mr. Davenport!

Q Campbell LaFlore's place is in the Choctaw Nation isn't it?
A They join right there.
Q Don't you know that there is not a place half as big as this tent there in Fort Smith that is a part of the Cherokee Nation?
A There is quite a strip there.
Q And you lived right there on that strip did you? A Yes, sir, I never paid any taxes at all, and I know I lived there in the Cherokee Nation because I did not have to pay taxes.
Q The Choctaw Nation line is right there also? A Yes, sir.

By the Commission! If a steamboat man lived on the Arkansas river and run on the river all the time he didn't have to pay taxes as a general rule did he? A No, sir, but I didn't pay taxes when I was living in town.

By Davenport! Not many of the niggers down there pay taxes do they? A I don't know.

By Smith! where did this steam boat run from? A Little Rock to Fort Gibson; it run up to Fort Gibson whenever the river was high enough.
Q That was the boat you were Cabbin boy on? A I run on several the last boat I run on was the Border City and then I run on the Jennie May and on the New Area.

By the Commission! Did you carry passengers on these boats?
A Yes, sir.
Q Stern wheel boats or side wheel? A Stern wheel.
Q How many cabbin boys did they usually have on these boats?
A I was the only one that was on the ones I was on.
Q Didn't do much passenger hauling did they, more of a freight boat wasn't it? A Yes, sir, and the time I was on the Border City I was a deck hand.
Q You are more of a roust-about than a cabbin boy then?
A Yes, sir.

ABRAHAM HAIR, called and sworn as a witness for the applicant! By Smith!

Q What is your name? A Abraham Hair.
Q What is your age? A 77.
Q Where do you live A At Wyner.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Jef Rowe? A Yes, sir.
Q How long have you known him? A Ever since he was a child.
Q Was he a slave? A His father was, he was too small, he was born----
Q Who did he belong to before the war? A To Ross.
Q Which Ross? A I can't call his first name.
Q Where was he when he was a little boy before the war?
A They were down there in the Ross settlement.
Q When did you first see this applicant in the Cherokee Nation after the war? A I saw him in '66, fall of '66, after the war.
Q Where? A Here on Grand river.
Q In what part of Grand river? A [illegible] settlement or neighborhood?
A Down by Kidstre.
Q How long was he in the settlement? A Not very long, 2 or 3 years.
Q When did you next see him after that? A Well it was quite a while after that that I saw him, long in the winter.
Q Where was he then? A In his father's on his farm.
Q Where was his farm and at what point on his farm? A [illegible] Station, and right where Frank Sanders lives now.
Q In the Cherokee nation? A Yes, sir.

Q Do you know where he lives now? A Yes, sir.
Q Where? A Up there.
Q How long has he been living there? A 15 years or more, I think.
Q Do you know how long he has been living there? A Not absolurely the years, but about that I think.

By the Commission. Who was with him when you saw him in '66?
A With some parties were in Price's raid.
Q Was his father and mother with him then? A His father was.
Q How old was Jess then? A You mean Jeff?here?
Q Yes, this fellr? A He was 6 or 7 years old then, not more than 8; he was a small boy in the Price's raid.
Q Was his mother living up there on Big Creek? A No, sir, she was dead.
Q Were they living in a house? A Yes, sir.

By Smith: Did you know this man's first wife? A Yes, sir.
Q How long has she been dead? A 10 years.
Q Did you know his children? A Yes, sir.
Q Was his first wife the mother of them? A Yes, sir.
Q Did she and this applicant live together there? A Yes, sir.
Q They were man and wife, were they? A Yes, sir.

By Davenport: You don't know where his children were born?
A One was born there.
Q The others wasn't ? A No, sir.
Q There were several years after the w r that you didn't know where he was? A Yes, sir, after this boy's father's going after him from Price's raid--he persued this boy and brought him back home.
Q How far did you live from him up there? A mile.
Q Are you on the roll of1.80? A ought to be I don't know.

By Commission: Do you know where hewas taken to before the war?
A On Red River.
Q In Texas? A Yes, sir.
Q Who took him there? A Price's raid.
Q How do you know that? A I was after him and knew it.
Q You were after him? A Yes, s r, I was a soldier on the other side and when he made the raid we followed him.
Q You didn't catch him did you? A No, sir, he took my sister and the boy with him and they sold her, if I had known it I would have gone after her then.

By Davenport: He gave you fellow a warm reception over the Arkansas line didn't he? A Yes, sir, he did.

MOSE MARDERICK, called and sworn as a witness for the applicant: By Smith:
Q What is your name? A Mose Mardrick.
Q Where do you live? A On Fryer's creek.
Q How long have you lived there? A 15 years.
Q How long have you lived in the Cherokee Nation? A All my life in the Cherokee Nation up to the war and the back here of or the war and up to now I lived here ever since.
Q How old are you? A About 71.
Q Do you know this applicant here, Jef Rose? A Yes, sir.
Q How long have you known him? A Always.
Q Was he a slave before the Civil war in the Cherokee Nation?
A Yes, sir.
Q Who was his owner? A Lewis Rose, an Indian.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Whereas this applicant when the war commenced? A On Grand river.
Q Who was he living with there? A Lewis Rose and Indian.
Q Did he leave out of the Cherokee Nation during the war? Also, why
Q When did you first see him in the Cherokee Nation after the war ?
A In the fall of '66 when his uncle brought him from Fort Gibson.
Q Where did he bring him to? A Grand River to his place.
Q How long did he stay there? A I don't know.
Q When was the next time you saw him? A Quite a while after, he

left there to go to his father's.
Q You don't remember how long he staid there after the fall of '66 when he came, in that neighborhood? A No, sir, not a great while though, till his uncle taken him to his father's on Big Creek.
By the Commission: Did you know his wife? A No, sir.
Q You don't know his children? A No, sir, none but two.
Q Which two? A One called Mary and a boy, I has forget his name.
Q Where was Mary born? A I don't know, sir.
Q Were you taken out of the Cherokee Nation yourself during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Was any of General Price's force there? A Not then, I saw him in '64.
Q Who took this boy away do you know? A They said that one of Prices' Generals took him, one they called Salomon I believe; they made a raid up there where the negros was and got him and a lot others.
Q Where was that? A Up in Kansas near Fort Scott.
Q Did you see him up there? A Yes, sir.
By Smith: Where did this Price come in at, I didn't hear what you said about that? A He got him on Lost Creek above Fort Scott in '74.
Q Where did he take him to? A The last I saw of them was when we was chasing them down south.
Q Was Price running off a lot of slaves from up there? A Yes, sir, and this boy was one of them.
By Commission: Was Price fighting in Kansas in '64? A Yes, sir.
Q Was Price up around Fort Scott then? A I didn't see him to know him but General Blunt said it was General Price that was making the raid.
Q You were in Blunt's army were you? A Yes, sir.
Q There was not much of a fight in Kansas between you and Price in '64 was there? A No, sir, not much.
Q This boy had been taken up to Kansas from the Cherokee Nation before the war and then Price made a raid up in through there and took him south, is that it? A Yes, sir.
Q And you fellows followed him? A Yes, sir.
Q Did General price charge on Fort Scott? A No, sir.
Q Did he try to? A No, sir, he was just raiding around there.
Q And he got this boy while he was on the march? A Yes, sir.
Q Price went round and hunted him up and took him with him?
A Yes, sir.
By Smith: All that you know of it being General Price he went they told you at the time? A I saw him and his men, and they said it was General Price and his Generals and men.
Q You wasn't personally acquainted with Price were you?
A No, sir, I didn't know him.
By Commission: You didn't want to know him very well did you?
A Only to recognize him.
Q You didn't got him through did you? A No, sir.
Q The war w wasn't over in '64? A No, sir.
By Commission: Did you ever see Jeff on the Stewart farm on the Mountain River? A No, sir.
Q You don't know where Bullen Marrell was living then?
A He was with me fighting.
Q When you speak of '64 that he was taken south, do you mean 1864?
A Yes, sir.
Q He was taken south? A Yes, sir.
Q You don't know just where? A No, sir.
Q You did he get by there on your point River? A They marched the Negros and some Negroes by there and took him up Fort Smith.
Q Which Negroes? A [illegible] Jim Bean, Lewis Bean, Alfred Bean, and Bill Bean.
Q And they took them up there? A Yes, sir.

Q Did Chief John Ross stay [illegible]? A No, sir, they left the colored folks there for a few days and took Chief Ross to Leavenworth.
Q You don't know where this applicant has lived since the war?
A No, sir.

By Mr. Smith of the applicant:

Q What is your oldest child's name? A Mary.
Q Is she married? A Yes, sir.
Q Who to? A Jesse Benson.
Q Has she any children? A Yes, sir.
Q How many? A 4.
Q What are their names? A Sanford, Clifton, Mercy and I can't think of the baby's name.

By Com'r Needles: Jef Ross applies for the enrollment of himself and three children, namely, Grant, Viola and Lola; their names are not found in the authenticated roll of 1880 or the census roll of 1896, but is identified on the Kern Clifton roll as well as his three children. He avers that he was a slave of one Lewis Ross, and was taken out of the Cherokee Nation during the war, and returned in the fall of 1866, and that he was married to one Betsy Webber, a Non citizen, who was the mother of the three children for whom he applicant; she is now deceased and he has gain married. He present s no certificate of marriage but presents testimony in order to prove a common law marriage. He has no certificate of marriage but states that he was married by a preacher and makes no proof of marriage but presents personal evidence as to his having lived with his wife as man and wife, and through said cohabitation said three children were born. Consequently he and his said three children will be listed for enrollment as Cherokee freedmen on a doubtful card and he will be notified in the course of mail by the Commission when they arrive at a final decision in this matter.

Chas. van Winkle, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the same is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. van Winkle.

Subscribed and sworn to before me this the 26th of June, 1901, at Muskogee, I. T.

(Signed) T. B. Needles,
Commissioner.

J. G. Bowen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

[illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

To be filed with case of Jesse Beeson, C. F. D.#785.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 19th, 1901.

In the matter of the application of Mary Hudson for enrollment as a Cherokee freedman; said Hudson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Eaton.
Q How old are you, Mary? A I don't know my age.
Q Well, about how old? A About 30, I guess.
Q What is your post office? A Centralia.
~~Q What district do you live in? A In Cooweescoowee.~~
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Three boys, children is all I have got.
Q Are they under age? A No, sir, they are of age.
Q All over age? A Yes, sir.
Q All over 21? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it is on the Wallace roll and Clifton roll.
Q Are you married? A I ain't now, I have been.
Q What was your husband's name? A My last husband?
Q Yes. A His name was Peter Hudson.
Q Are you Peter Hudson's wife now? A No, sir.
Q Is Peter Hudson living? A Yes, sir, but we don't live together.
Q Did you draw this strip money while you were married to Peter Hudson? A Drawed money?
Q Did you draw strip money? A Yes, sir, drawed the Wallace money.
Q That is all the money you ever drew? A Yes, sir.
Q Under what name did you draw it? A Hudson.

The 1880 authenticated, the 1896 census and the Kern-Clifton rolls of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2461, Mary Hudson, Cooweescoowee district.

Q Well, you haven't been married to anybody since you left Hudson?
A No, sir.
Q Well, your name is Mary Hudson? A Yes, sir, by my husband; but I thought you was asking me about my owners.
Q Yes, Mary, were you a slave? A Yes, sir.
Q To whom did you belong? A Chuste Eaton.
Q Was she a Cherokee citizen, Indian by blood? A Yes, sir.
Q Where were you born? A I was born here. In the old Nation.
Q When did you come to the Cherokee Nation the first time?
Q Why, it was, I was small when they come, I was a baby, but I have heard my old Mistress say that they came as old Settler.
Q You came along with your old Mistress when she came?
A Yes, sir.
Q Now, then, did you go out of the Cherokee Nation during the war between the North and South? A Yes, sir.
Q Where did you go to? A I went south.
Q How far south? A I was taken down there.
Q Where to, Texas? A Yes, sir, down there about Boggy Depot.
Q In the Choctaw Nation? A Yes, sir.
Q Well, when did you come back? A I came back to 1866.
Q Who did you come with? A I came with my Mice I had been told the man that we came out with I don't remember his name, there was a good many of them came out at that time, I don't recollect who they came out.

Q Where did you come to? A I come, when I come there; up in there I come to Fort Gibson.
Q You come when you come from Boggy Depot down there in the Choctaw Nation you come to Fort Gibson? A Yes, sir.
Q Well, have you been living in the Cherokee Nation ever since that time? A Yes, sir.
Q FortGibson is in the Cherokee Nation is it? A Yes, sir.
Q Well, did you marry after that? A Yes, sir.
Q Who to? A Peter Hudson.
Q Was Hudson the only man you were ever married to? A No, sir, my first husband that I have got his name was John Beason.
Q Where did you marry John? A I married him down south.
Q That was during the war? A No, sir, just after the war.
Q You married him before you came back to the Cherokee Nation?
A Yes, sir.
Q Did he come with you? A Yes, sir.
Q Is he living? A I don't know, sir.
Q Well, who did you marry after that? A Peter Hudson.
Q Have you married anybody since you married Peter? A No, sir.
Q Just had two husbands? A Yes, sir.
Q Peter and you separated? A Yes, sir.
Q He has married again? A Yes, sir.
Q Have you got any witnesses here? A Yes, sir.
Q Who? A I got Mr. Grimmett and Abe Hair.

By Mr. J. S. Davenport, Cherokee Representative:

Q Mary, where were you living when you can first recollect?
A I lived in Going snake District.
Q Whom were you living with at that time? A I was living with Susie Bean.
Q Well, did you ever live with any of the Hilderbrands? A Yes, sir, I lived up there at Hilderbrand's Mill with one of her daughters.
Q Now, Hilderbrands didn't go south with you when you went south?
A No, sir, I was sent south.
Q Did you know a man by the name of Aldridge that lived down in Texas? (No response.)
Q This was just before the war broke out, a short time before the war broke out; he lived somewheres about Grayson County, Texas?
A I don't know.
Q Well, did you know any Ezekiel Beck ~~lived~~ in the Cherokee Nation? A Yes, sir.
Q Did you know that Ezekiel Beck had something to do with the winding up of the Hilderbrand estate? A No, sir.
Q Don't you remember that Ezekiel Beck sold you to a man by the name of Aldridge and you were carried off to the State of Texas before the war broke out? A No, sir.
Q Did you know a man by the name of J. W. Ellis; he married Susan Eaton, a relative of the family here, Joshua Ellis? (No response.)
Q Did you know that man Joshua Ellis? A I disremember.
Q Well, did you ever live with a man or know anybody in Texas by the name of John Beason, as your husband in the Cherokee Nation?
A Yes, sir.
Q Well, now, I will ask you if you and John Beason didn't come to this country and wasn't you brought here by J. W. Ellis? A No, sir.
Q Didn't you come with J. W. Ellis when he came to this country?
A I don't know his name, sir.
Q Didn't you come with a man by the name of Ellis?
A I don't know his name; I am telling you the truth.
Q Did you come with a white man to the Cherokee Nation back from Texas when you and John Beason came? A Yes, sir.
Q John Beason came with you? A Yes, sir.
Q You had three children at the time? A Yes, sir.
Q Do you know about how old they were? A No, sir, I don't.
Q Well, now, did you and John Beason have any children born at the breaking out of the war? A I had one.

Q Well, now, you remember living in Texas, don't you, where was that child born that you had born at the breasking out of the war? A He was born down there.
Q Down where, Texas? A Down South, I don't know whether it was Texas.
Q You know when you lived in Texas? A I recollect it.
Q You remember you lived in Texas, whether it was Grayson County or not? A I don't know what county it was.
Q You don't know what town you lived near? A No sir.
Q Don't know where you got your mail? A No, sir.
Q You know that you and Beeson were living together as husband and wife when you came to the Cherokee Nation? A Yes, sir.
Q And you were living with some white man when you came back to the Cherokee Nation? A Yes, sir.
Q That was about the year 1871? A I don't know.
Q That was the first time you had been back to the Cherokee Nation, the time you come with Beeson and the white man? A I disremember, that has been a long time and I don't recollect; they told me it was '66, I don't know anything about it.
Q Have you ever made more than one trip from Texas up the Cherokee Nation since the war? (No response.)
Q Since you came up with that white man have you ever gone back after that? A No, sir.
By Con'r Needles: Now, Mary, you were married to John Beeson down there down south? A Yes, sir.
Q Well, you were grown of course when you married him? A Yes, sir.
Q Now, don't you recollect whether that was in Texas or not; recollect whether that was in the state of Texas? A Well, give me a little time, let me think back; I recollect I was to a place where Texas, but I don't recollect the county.
Q Was there where you were married to Beeson A Yes, sir, I had him there.
Q Well, now, when you come up here to the Cherokee Nation the first time did you ever go back there? A No, sir.
Q You only come up once? A Yes, sir.
By Mr. Davenport: Mary, did you know who the man's wife that came with you from Texas was before she was married? A No, sir.
Q You didn't know that she was Frankie Alberty before she was married? A No, sir.
Q And that she was a sister to Susie Paton? A No, sir.
Q Didn't you know that the man wife that came back with you from Texas was Frankie Alberty, a sister to Susie Paton to whom you formerly belonged? A I don't know, no, sir.
By Con'r Needles: You did come back with a white man did you, Aunt Mary, you don't recollect what his name was? A No, sir.
Q Was he married? A Yes, sir.
Q Did he have a family? A Yes, sir, he was only coming out and I wanted to come and had wanted to come and I had no way to come, and this man was going, he said where he lived and said he was coming and John Beeson got him to bring me.
Q Did John come with you? A Yes, sir.
Q Is John dead? A I don't know.

ABRAHAM HAIR, being sworn and examined by Commissioner T. M. Buckner, testified as follows:
Q Mr. Hair, what is your name? A Abraham Hair.
Q Your post office? A Tahlequah.
Q How old are you, Mr. Hair? A About 70 years old.
Q Are you a Cherokee freedman? A Claim to be, sir.
Q Is your name on the roll of 1880? A I don't know, sir.
Q Do you know Mary Beeson, the applicant here, or Mary Paton? A Yes, sir.
Q How long have you known her? A Well I guess about 50 years or more.

Q Did you know her before the war between the North and South?
A No, sir, I knowed her mother.
Q What was her mother's name? A Rachel Eaton.
Q Where did her mother live? A Lived on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether Mary Eaton here was a slave or not?
A Yes, sir.
Q To whom did she belong? A Belonged to Susie Eaton.
Q She was a Cherokee citizen? A Yes, sir.
Q Well , did Mary go out of the Cherokee Nation durin the war?
A Yes, sir.
Q Where did she go to? A Went to Texas.
Q Were did you first see her after the war? A After the war?
Q Yes. A First saw her on Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q What year was that, do you know? A Winter of '66.
Q Winter of 1866? A Yes, sir.
Q Whom was she with whom you saw her? A She was living there with some of her acquaintances, her man had left her.
Q Her husband had left her? A Yes, sir.
Q Who was he? A John Beeson.
Q Did you know John Beeson? A No, sir.
Q Didn't know John Beeson? A No, sir.
Q He left her there on Lightning Creek? A Yes, sir.
Q How do you know that was '66? A Only the statement I call I had.
Q Who made the statement? A The folks there.
Q Said it was '66? A Winter of '66.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go to? A Well I went out with the soldiers, I went to Springfield, Missouri, and from Missouri to Kansas, and from Kansas back here and backwards and forwards up and down this road.
Q That time did you land back here? A Well I was here the whole time.
Q Durin the whole of the war? A Yes, sir.
Q And you are confident you saw Mary Eaton here in 1866 on Lightning Creek? A Yes, sir.
Q You knew her mother you say? A Yes, sir.
Q What was her name? A Rachel.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A She belonged to Eaton.
Q Was her mother taken out of the Cherokee Nation durin the war, do you know? A That I don't know; I knew she died here.
Q How do you know that Mary was taken to Texas? A Well, she told me.
Q Have you known her ever since that? A Yes, sir.
Q Has she always lived in the Cherokee Nation ever since that time?
A Yes, sir.
Q Did you know of her going back to Texas after she died? A No, sir.

By Mr. Bryant: You didn't know her at all before the war, did you? A Not this woman.
Q How did you know to whom she belonged to? A Her mother told me.
Q I am not asking you what she told you, you don't know it of your own knowledge? A No, sir.

By Judge Hughes: You say you didn't know Mary before the war? A Knowed her mother.
Q And you didn't know her? A No, sir.

By Mr. Bryant: You don't know whether Mary was living with her mother or not during the war or not? A No, sir, she was living with her father her mother said.
Q I am not asking you about what her mother said; her mother isn't living now? A No, sir.
Q You never saw Mary on Lightning Creek in 1866? A I saw her in the winter of '66.

Q You knew when '66 came? A No, sir.
Q Now on what part of Lightning Creek did you know her?
A Ransom Daniels'.
Q Don't ~~know~~ you know that Ransom Daniels didn't live there in 1866? A No, sir.
Q Don't you know that Ransom Daniels didn't move from Grand river over there? A No, sir.
Q Now, then it was after Ransom Daniels moved from Grand river over there? A Yes, sir.
Q You knew who her husband was? A No, sir.
Q You knew John Beeson? A No, sir.
Q When you first saw her how many children had she? A Well, she had all she has got now, I forget how many there is, she had four or five children.

MARY HUDSON, the applicant, recalled: By Com'r Needles:
Q How many children you got living now A Three.
Q What are their names? A William and Jesse and the oldest two I got is Jonathan and Augustus.
Q They are all living? A Yes, sir.

BEN GRIMMETT, being sworn and examined by Commissioner T. M. Needles, testified as follows:
Q What is your name? A Ben Grimmett.
Q What is your age, Mr. Grimmett? A I am about 60 or 3[illegible].
Q What is your post office? A Nowata.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Were on the roll of 1880? A Yes, sir.
Q Do you know the applicant here, Mary Hudson, or Mary Beeson?
A Yes, sir.
Q How long have you known her? A Well, I have knowed her; I have been knowing her all the time.
Q Well, did you know her before the war between the North and South? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A [illegible]ation.
Q Was he a Cherokee citizen? A Yes, sir.
Q Did you know her mother? A Yes, I have seen her.
Q Did you know her mother's name? A No, I didn't know her but I have seed her.
Q Where did mother live before the war? A Lived in Goingsnake.
Q Well do you know whether Mary Beeson was taken out of the Cherokee Nation before the war? A No, I don't know that, but she was taken out though.
Q You heard she was taken out? A Yes, sir. Q You don't know where to? A Tex as.
Q Do you know where she was ever married or not? A Yes, she married Hudson.
Q Well do you know whether she was ever married before she married Hudson? A Well I have heard of it.
Q Did you know a man by the name of John Beeson? A Yes, sir.
Q Reputed to be her husband? A That is what it was said.
Q Well, now, when was the first time you saw Mary after the war between the North and South? A The first time I saw her I seen her to her daddy's, I'm look at that time.
Q When was that? A Well it was in the summer somewhere in the spring of 1[illegible].
Q Was her father's name Jim Peck? A Yes, sir.
Q You saw her at Peck's in the summer of 1867? A Yes, sir.
Q You knew her before the war did you? A Yes, sir.
Q Well, now when you saw her in 1867 did you know her and recognize her? A Yes, sir.
Q Was she with? A Well she was there to her daddy's I don't know who she was with.

Q Was her daddy living there? A Yes, he was living there.
Q In a house? A Yes, sir.
Q Well, have you known Mary since that time? A Yes, sir.
Q Has she lived to your knowledge in the Cherokee Nation ever since '66? A Yes, sir.
Q How did you know that it was '66, Ben? A Well the reason I know it, when I see people just after I come I know what time I come and pretty soon I seen her.
Q You knew that you had come here in 1866? A Yes, sir.
Q You didn't know anything about her while she was in the State of Texas? A No, sir.
Q Don't know who took her to the State of Texas? A No, sir.
By Mr. Davenport: You don't know when she went to Texas either do you Ben? A No, sir
Q You don't know where she was living when the war broke out do you? A She was living in Goingsnake.
Q Did you know that of your own knowledge? A She was living there.
Q Well, I want you to say whether she was or was not positively of your own knowledge in Goingsnake district? A Well, she was there at the beginning of the war; must have been, I used to see her along, they was running the colored people so.
Q How far did you live from them before the war? A I guess I lived about 15 miles I guess or maybe further.
Q Where were you living? A I lived in Flint.
Q At what place? A With Grimmett, Flint district.
Q What Grimmett? A Billy Grimmett.
Q Did you ever know a man by the name of Mackiel Beck? A Yes, sir.
Q He lived up there in that country didn't he?
A Not as I know of, that Beck.
Q Well, did you ever know a man by the name of Silverbrand, Avra or such a name? A Yes, sir, I have heard of them.
Q Yes, this woman belonged to that estate at one time didn't she?
A I could not tell you that.
Q Well who did she belong to when you first saw her? A Watson.
Q That one of the watsons? A I could not tell that, she went by the name of them.
Q She belonged to Susie Watson didn't she? A I guess she did.
Q That was some time before the war broke out wasn't it?
A Yes, sir
Q Now, you never knew anything of this woman from the time the war broke out until you saw her at Fort Gibson? A No, sir.
Q When you saw her at Fort Gibson did she have any children?
A I could not tell that so many colored people there.
Q You had a talk with her there about where she had been?
A No, sir, I never asked her.
Q Did she have a husband at that time? A She must have.
Q I am asking you what you know about it? A I tell you the fact about it, I see a road many people coming in and we shake hands and don't talk at all.
Q You could be mistaken that it was in 1866? A No, I know I come in the spring of '66 and I think it that about when I see everybody in side of the spring of '66 that is what I go by.
Q Well, now, did you ever know Joshua W. Wilson, before the war?
A Yes, sir.
Q And you didn't know where this applicant was of your own knowledge? A No, sir.
Q When was the last time you saw her after you claim to have seen her at Fort Gibson? A Well, I look you after that when I seen her I shook hand on big creek.
Q Well how long was it after you saw her at Fort Gibson until you saw her on big creek? A I could not say that for certain.
Q Well, was it five years, six years, about how long?
A About a year I guess or maybe longer.

Q The fact is you don't know much about this case, do you Ben?
A Not a great deal.
Q You just wanted to fix it as '66 you saw her down there at Fort Gibson? A Yes, sir.
Q All you were driving at was that you saw her down here in '66.
A Yes, sir.
Q Now, you know that she was sold to a man by the name of Aldridge before the war, didn't you? A No, sir.
Q You don't know who she belonged to before the war do you?
A No, sir.
Q And you don't know whether she was in the Cherokee Nation at the breaking out of the war or not, did you? A I don't know.
Q Now, you are the fellow that had some trouble down here at Tahlequah about the courts? A I could not tell you that; that is a thing I won't answer.

By Com'r Needles: Now, Mr. Grimmett, you knew the owner of Mary Hudson? A Yes, sir.
Q Did you know his slaves at that time? A She was a slave at the time.
Q Did she have other slaves? A Had a good many.

By Mr. Davenport: Can you remember the names of any other slaves he owned but this woman? A No, I don't know anything about it.
Q How does it happen that you just remember this woman and don't remember any other ones of them? A I remember her, but I don't know it was so long, I don't keep account, don't hardly know my own children.

MARY HUDSON, the applicant, recalled:

By Mr. Davenport: Mary, which is your oldest child? A Mariah.
Q Where was Mariah born? A She was born down South.
Q In Texas, Arkansas or where? A In Texas.
Q That was the next one? A These two children, do you want all of the children?
Q All of them I want to get their ages as near as I can?
A Well you can get their ages if you will look on the Wallace roll.
Q I would rather take your word for it than the Wallace roll?
A I don't know their ages.
Q The next one after Mariah where she it born and its name?
A Well, now, I can't tell you, it was born South.
Q What is its name? A Jonathan Augustus.
Q He was born south? A Yes, sir.
Q Now, which is the next name to John? A Elizabeth.
Q Where was she born? A Born South.
Q Well where was William Born? A I forgot.
Q Is the next one to William Jess? A No, I had one next to Jess named Susan and she died and Susan come next.
Q Where were you living when Susan was born? A I was living on Big creek.
Q Where was Jess born? A Jess was born in Goingsnake.
Q Before or after the war? A After the war, all of them was born since peace.

By Com'r Needles: You say Auntie, all of your children were born since peace? A Yes, sir.
Q But three of the oldest ones were born when you lived down South that was in the State of Texas? A I don't know what state it was.
Q You never lived in but one place down South did you? A No, sir.
Q And they called it Texas? A Yes, sir.
Q And your three oldest children were born there? A Yes, sir, not far from Red River; you know there is an I think Dallas one, what do you call that?
Q Cherokee Dallas. A Born not far from that on the south side of the Red River.

By Mr. W. W. Hastings, Cherokee Representative:
Q I would like if you can be positive where Was Willis born?
A I can't think of it.
Q Do you know how old John is? A No, sir, I can't tell my children's ages, I don't know how to count or anything like that.
Q How many children did you bring up with you from Texas when you came back after the war? A I think it was two, I think.
Q One died down there? A No, she died over on Big Creek, just before the Wallace, and three of them died.
By Com'r Needles: Did you ever have any to die in Texas?
A No, sir, they three of them died on Big Creek.

Com'r Needles: Mary Hudson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896 or the Kern-Clifton pay rol , but is identified upon the Wallace roll according to the page and number of the roll as indicated in the testimoney. She avers that she was a slave and that she returned to the Cherokee Nation in the year 1866. Reference is made to the testimony. She makes satisfactory proof as to residence and will now be listed for enrollment as a Cherokee freedman upon a doubtful card awaiting further consideration of the commission. The final decision of the Commission will be made known to her by mail.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 1st day of July, 1901.
(Signed) T. M. Needles,
Commissioner.

---o0o.Rosson---

Supplemental, S-764, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1901.

In the matter of the application of Mary Hudson et al. for enrollment as Cherokee freedman.

Supplemental testimony.

Appearances:
Applicant present in person.
J. H. Dunlaggart, of Counsel for Cherokee Nation.

Lucy Hill, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Lucy Hill.
Q What is your age? A I guess I am about 50 years old.
Q What is your post office? A Tahlequah.
Q Are you a Cherokee freedman? A Yes, sir.
Q Your name on the roll of 1880? A Lucy Hill.
Q Do you know Mary Hudson? A Yes, sir, she is my sister.

Q Was she a slave before the war between the North and South?
A Yes, sir.
Q To whom did she belong? A She belonged to the natons.
Q Did you and her belong to the same family? A No, sir, I belonged to the Banks.
Q Did she go out of the Cherokee Nation during the war or before that time? A Yes, sir.
Q Where did she go? A I can't tell, but she went south.
Q You don't know whether she went into the state of Texas or not?
A No, sir, I don't know whether she did or not? A Did you ever hear? A I heard of her on Red River.
Q On which side of Red River? A This side of Red River.
Q When did she return to the Cherokee Nation? A I can't tell just when she returned.
Q When did you see her? A I seen her on Big Creek, about 25 years ago, I guess, or more.
Q Is that the first time you saw her after the war? A Yes, sir, that was the first time I see her, but then I heard of her being here often.
Q That was the first time you saw her after the war? A Yes, sir.
Q About 25 years ago on Big Creek? A Yes, sir.
Mr. Davenport: You don't know what time she went out before the war, do you, or whether she was in the country when the war began?
A Yes, sir, I saw her in the nation time of the war, her mother and mine went to Texas together.
Q I am talking about this applicant; was she in the Cherokee Nation at the breaking out of the war? A Yes, sir, I think she was.
Q I want you to be positive? A I must know she was.
Q You don't really know where she was at the breaking out of the war? A I saw her at home at the breaking out of the war, where my father was.
Q At whose place was she at the breaking out of the war? A At the time we were getting ready to leave, I seen Mary at Peeks old place in 7 or 8 miles of Hilderbrand's Mill.
Q The at one time belonged to the Hilderbrand estate? A I don't know when she belonged to only just the estate.
Q Did you ever know a man named Mekiel Peek? A Yes, sir.
Q Don't you know how Mike Peek sold her to a man named Aldridge who took her to Gray on County, Texas, long before the war broke out?
A I don't know, sir, about that.
Q You don't remember anything about that? A No, sir.
Q Did you ever know a Joshua V. Ellis? A No, sir.
Q Do other than you can remember, he married a sister of Susan Bates?
A I have heard of them but I don't know them.
Q You don't remember anything about that? A No, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 26th of June, 1906.

(Signed) T. D. Mackey,
Commissioner.

J. G. Lozon, being duly sworn, says that he stenographed to the commission to the Five Civilized Tribes in the foregoing case and that same is a true and complete copy of the original in said case.

Subscribed and sworn to before me this August 6th, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSI ON TO THE FIVE CIVILIZED T RIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Jesse Beeson for the enrollment of himself, wife and four children as Cherokee Freedmen; said Beeson bein g sworn and examined by Commissioner T. B. Needles, testified as folle ws:

Q What is your name? A Jesse Beeson.
Q How old are you, Jes e? A 27
Q What is your post office? A N owata.
Q What district do you li ve in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedm n? A Yes, sir.
Q Who do you want to enroll besides yo urself? A Mary Rowe.
Q How old is she? A I don't know.
Q Have you got any children? A Yes, sir.
Q Do you want to enroll them? A Yes, sir.
Q How many children have you? A Four.
Q Give me their names? (Hands paper to Commi ssioner.)
Q What is the o ldest one, Sanford? A Yes, sir.
Q How old is Sanford? A Seven years old I reckon.
Q What is the next one, Clifton? A Yes, si r.
Q How old i s Clifton? A I don't know.
Q About five years old; what is the name of the next one, Mercie?
A Yes, sir.
Q About four years old? A I guess so.
Q The next one? A Christyann.
Q She is t wo years old? A Going on three I believe.
Q What is your father's n ame? A I don't know.
Q What is your mother's name? A Mary Eaton.
Q Is she living? A Yes, sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

Q Named Mary Hudson now isn't she? A Yes, sir.

BY COM'R NEEDLES:

Q Is your name on t he roll of 1880? A I don't know.
Q What is your wife's father's name? A Jeff Rowe.
Q Is he living? A Yes, sir.
Q What is her mother's name? A I don't know her mother.
Q Is your wife's name on the roll of 1880? A No, sir, I don't think.
Q Is your wife's father been enrolled? A Yes, sir.
Q Is Mary your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Is Mary the mother of these children? A Yes, sir.
Q Are they all living at this time? A Yes, sir.
Q Where were you born? A Goingsnake District.
Q Live there all your life? A No, sir.
Q Where have you been li ving? A On Big Creek.
Q Always lived in the Cherokee Nati on? A Yes, si r.
Q Where was your wife born? A I don't know.
Q Has she always lived in the Cherokee Nation? A Ever since I knowed her.

BY MR. HASTINGS:

Q Where did you say you were born, Jess? A Goingsnake District.

The 1880 Authenticated r oll of Freedmen of the Cherokee Nation e xamined and names of applicants not fo nd thereon.

BY COM'R NEEDLES:

Q How long has your wife's mother been dead? A I don't know sir.
Q Did you ever see her? A Yes, sir.
Q She has not been dead long has she? A I saw a little bitty feller.
Q Has your wife's father here? A He was this morning, I guess he is yet.
Q Did you draw any money from the Cherokee nation? A Yes, sir.

Q What ns ay? A Wallace.

The Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2465, Jesse Beesen, Cooweescoowee District

Q Did your wife, Mary ever draw? A Yes, sir.
Q What money did she draw? A This last money.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 130, #3845, Mary Rowe, Cooweescoowee District.

Q Did you draw for any of these children? A No, sir.
BY MR. HASTINGS:
Q What were your wife's brothers and sisters' names? A Grant, Viola and Leola.

COM'R MEREDITH: Jesse Beesen applies for the enrollment of himself, his wife, Mary, and four children, to-wit: Sanford, Clifton, Mercie and Christyann. His name cannot be identified upon the authenticated roll of 1880 or Dentus roll of 1896 or the Kern-Clifton roll. He is identified upon the Wallace roll, and avers that he is a child of Mary Hudson who was listed for enrollment on Doubtful card #764, and the testimony taken in the matter of the applicati on of Mary Hudson will be made a part of the record in the case at bar and a copy thereof will be filed herewith. He avers that his wife, Mary, is the child of Jesse Rowe, who was listed for enrollment upon doubtful card #880, and the t estimony taken in the matter of the application of Jesse Rowe will be made a part of the record in the case at bar and a copy thereof filed herewith. He avers that as a result of said marriage he has four children, Sanford, Clifton, Mercie, and Christyann, whose names do not appear u pon any of the rolls, consequently it will be necessary for him to file satisfactory proof of birth of said children. They made satisfactory proof as to residence, consequently Jesse Beesen and his wife, Mary Beesen, and his c hildren as m e merated herein, will be listed for enrollment as Cherokee Freedmen. They will be notified by mail of the decision of t he Commission in the premise.

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J. C. Beesen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of July, 1906.

C. R. Meredith
Commissioner.

File with case of Jesse Beeson, C.F.-D.#783.

Supl.C.F.-D.#764.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of MARY HUDSON as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. A. S. McRea, Attorney for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

ZEKE BECK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Zeke Beck.
Q Where do you live, Mr. Beck? A I live at Long Prairie, Delaware district.
Q What is your post office? A Kansas, I. T.
Q How old are you? A I am in my 66th year.
Q How long have you lived in the Cherokee Nation, Mr. Beck? A All my life; that is, I was born in Georgia.
Q And came here with the Cherokees, did you? A Yes, sir.
Q Do you know Mary Hudson, or who was formerly Mary Beeson, or Mary Eaton, the applicant in this case? A I knew one Mary Eaton.
Q When did you know her first? A Well, now, I could not say, I have known her ever since I known anybody nearly.
Q Well, to whom did she belong at the time you knew her?
A She once belonged to my grandmother.
Q Who was she? A Susie Eaton.
Q Well, who did she afterwards belong to? A Mary Helterbrand.
Q Where did Mary Helterbrand live? A She lived in the Cherokee Nation.
Q What became of the applicant, if you know, if she passed out of Mary Helterbrand's possession, just state what you know about it yourself? A Well, Mary Helterbrand died and I administered on the estate and sold her out.
Q What did you say? A I said when Mary Helterbrand died in 1858 I sold her.
Q To whom did you sell her? A I sold her to a man by the name of Aldred.
Q Where did Aldred live, Mr. Beck? A He said he lived in Texas but what county I don't recollect.
Q Do you know what his citizenship was, whether he had a citizen of the United States or Cherokee citizen? A Well, I guess he was a citizen of the United States. I never knew him to live in the Cherokee Nation.
Q Well, do you know whether or not he took the applicant here, Mary, away from the Helterbrand place? A Yes, he took her away from there.
Q When did you sold she her, if you have ever seen her?
A I have never seen her since.
MR. DAVENPORT: I understand you to say, Mr. Beck, that the woman you have been speaking of was Mary Eaton? A Yes, sir.
Q And she belonged to your aunt? A Yes.
Q Now, when was it that you sold her as you state? A Well, it was in the spring of '58.
Q For how much did you sell her? A I sold her for a thousand dollars.
Q And you sold her to a man by the name of Aldred? A Yes, sir.
Q And you don't know what she subsequently was? A No sir, I didn't know, I guess, he claimed he bought her.

Q Now, did you know of your own knowledge he lived in Texas?
A No, I didn't, only what he told me.
Q Now, do you know of your own knowledge that the Mary Hudson that has applied for enrollment here before this commission is the same Mary that you sold in 1859? A I do not, I haven't seen her.
Q Would you know that same girl that you sold in 1859 if you would see her? A I don't know whether I would or not, it has been a long time.
Q Have you ever seen this Mary that you sold in 1859 in the Cherokee Nation since you sold her? A No, sir.
Q And you are positive that this Mary that you sold to Mr. Aldred, that he carried her to the State of Texas? A He carried her off of my place.
Q You don't know whether he carried her out of the Cherokee Nation or not? A No, sir.
Q Or do you know whether he sold her to any citizen of the Cherokee Nation? A No, sir.
COM'R WEEDLES: Did you know Susie Eaton? A Yes, sir.
Q Who was she? A She was my grandmother.
Q She was a Cherokee citizen? A Yes, sir.
Q Did she own this girl? A Yes, sir.
Q She was the woman whose estate you administered on? A No, sir, that was her daughter, Mary.
MR. DAVENPORT: Did she have more than one girl named Mary?
A No, sir.
COM'R WEEDLES: You say you don't know what he did with her after you sold her? A No, sir.
Q You don't know whether he resold her or not? A No, sir.

J. W. ALBERTY, being duly sworn by Commissioner Weedles, testified as follows:
MR. DAVENPORT: What is your name? A J. W. Alberty is the way I sign it.
Q Where do you live, Mr. Alberty? A I live in Cherokee District.
Q How old are you? A 67 years old.
Q Did you ever know a colored woman, or girl, by the name of Mary Eaton? A Yes, sir.
Q Did you ever know her by any other name, or you just know her by Mary Eaton? A Yes, she was in the division of the property, she came to my Holdertrand.
Q [illegible] was that, before or after the war? A [illegible] the war.
Q Well, do you know where she was at the beginning or at the end of the war, Mr. Alberty? A Well, no, I could not say where she was at the beginning or at the end of the war, she was not in the country or somewhere near about there.
Q You speak of a division of property that did you have by division of property, division of what property do you [illegible]?
A Of the Eaton property.
Q Of whose property? A Susie Eaton.
Q And she daughter- [illegible] Mary [illegible] A Yes, sir.
Q Well, had you ever seen Mary Eaton, [illegible] Susie Eaton, [illegible] Yes, sir.
Q [illegible] A Yes, sir.
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

before she was married to a man by the name of Beeson, and he brought her up to our neighborhood and lived there three or four years.
Q That is the Beeson family of Mr. Ellis? A No, the Beeson family.
Q Did they have any children? A I think they had one or two, I don't recollect.
Q Now, when was that as near as you can tell, that you met Mr. Ellis? A It was in '72.
Q That was Mr. Ellis' first name? A J. W. Ellis.
Q Do you know his given name? A Josh Ellis.
MR. McKEA: Mr. Alberty, when was it you say you first became acquainted with Mary Hudson? A Well, I don't know her by that name at all.
Q Mary Eaton? A Mary Eaton, well in, I first become acquainted with her, it must have been about 1847 or '8; '41 or '2, when I was just a boy, she was raised in the neighborhood right where I was and I was raised in the neighborhood right where she was.
Q Was she a grown woman in 1847? A No, sir, she wasn't near grown when I first knew her.
Q Did I understand you to say that you knew of her having been sold before the war? A No, sir.
Q What did you say became of her during the war? A Well, she was in the division of what I call the property, she went to Ary Helterbrand; she was willed from Susie Eaton to Ary Helterbrand.
Q Willed from Susie Eaton to Ary Helterbrand? A Yes, sir, Susie Eaton was Ary Helterbrand's daughter.
Q What was Susie Eaton's citizenship? A She was a Cherokee.
Q Was Ary Helterbrand a Cherokee? A Yes, sir.
Q Well, do you know what became of her after she went out of the hands of Ary Helterbrand? A No, sir, only what I heard.
Q When did the division of the estate-? A Well, sir, it was in about '56.
Q No long after the division of the estate did Mrs. Sarah Helterbrand die? A Well, short time, it wasn't very long.
Q About the same year? A No, sir, only a short time, it was in '57 I guess.
Q Well, do you know who was the administrator of the estate after her death? A Yes, sir.
Q Who? A Sam Bobb.
Q Well, was Mary, the applicant, still the property of the estate of Mrs. Helterbrand then, when Mr. Bobb became administrator of the estate? A Yes, sir, I saw the advertisement, he made an advertisement to make a division of the estate.
Q After Mr. Bobb became administrator of the estate you don't know what became of Mary? A No, sir, I saw he had her advertised for sale.
Q You don't know whether any sale took place? A No, sir, I guess there did, I never saw her any more.
Q That is your knowledge of it? A Yes, sir.
Q Now, there was it you first met her under there in Iowa?
A Well, you want me to tell the particular place?
Q Yes, sir. A Well, I met them on the road, on what is called the Fort Gibson road, down below my house about six or eight miles and he was coming in from Texas and he was my familiar and he [illegible] to know if I knew those people.
Q Now, do you know where Mary being was in 1866? A Yes.
Q Do you know where she was in 1866? A Yes.
Q Where? A She was right there in Cherokee district in 1866.
Q Now, there was you in 1866, do you know where she was?
A No, I don't know.
Q Did you know where she was in 1867? A No, sir.
[illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

J. W. ELLIS, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Ellis.

Q Where do you live, Mr. Ellis? A I live out here about ten miles on the Coffeville road.

Q What is your is your post office? A Vinita.

Q How old are you? A I am 77 years old.

Q Where were you living at the breaking out of the Civil war, Mr. Ellis? A I was living in Missouri.

Q Did you go south during the war? A Yes, sir.

Q To what state did you go? A I went into Wood County.

Q What state? A Texas.

Q How long did you reside in Texas after the war, Mr. Ellis?

A Well, let me see, I came back to Fayetteville, Arkansas, in '68, I think, sir, as well as I recollect.

Q Did you ever return to Texas after that time? A Yes, sir, several times.Q While you were in Texas or back and forth to Arkansas and Texas did you get acquainted with a colored family by the name of Beeson? A I did, sir.

Q Do you remember the husband's name? A John Beeson.

Q What was his wife's name? A I think he called her Mary as well as I recollect.

Q Where were they living when you first got acquainted with them, Mr. Ellis? A When I first got acquainted with John Beeson he was at the Salt works [illegible], but his wife I never got acquainted with her until 1871 or '2, when I returned from Texas and I met John and he had this woman with him and he wanted me to bring her back to Arkansas.

Q Where did you meet them? A That was there un Hunt County, or Wood county.

Q Was his wife with him when you met him? A Yes, sir.

Q Now, where was the Salt works that you speak of having known John prior to knowing his wife; what State or County? A It was in Texas.

Q About when did you first know John? A That was the first I knowed of him was in about '62, I made salt with him, I employed him to make salt.

Q When did you leave or move away from there, from where John was working? A I moved away from there in '68, about that time and went back with a load of fruit trees and found John on the road and he asked me to take him back, I knowed him very well and knowed his master.

Q Who was his master? A His name was Beeson.

Q Where did he live? A He lived in Missouri.

Q Do you know whether or not he lived in Missouri at the breaking out of the war? A Yes, sir.

Q Now, you met John and his wife down there, did they come back with you then? A They came back with me then to Bringsnake district.

Q That was in what year? A I think it was in '71 or '2.

Q Well, have you ever seen them since you brought them back?

A I have seen John often but I never have been her.

Q Do you remember any of the children's names at that time, or his it seems so long you have forgotten? A No, sir, I don't remember.

MR. McKA: Now, Mr. Ellis, you have a man down in Texas by the name of John Beeson? A Yes, sir.

Q And he had a wife by the name of Mary? A She claimed to be by the name of Mary, I know.

Q Now, in this Mary Beeson [illegible] application for enrollment before this commission the name Mary that this John was the husband of that you have in mind? A I could not tell you for I didn't see her since, I don't know that I could have put my I could not by sight her since,

Q And you don't know to whom this Mary belonged before the war, do you? A No, sir, I don't.
Q You don't know where she was during the war, do you?
A No, sir.
Q You don't know of your own knowledge whether she ever went out of the Cherokee Nation during the rebellion between the north and south, do you? A No, sir, I don't know anything about the applicant; I know that John Beeson-
Q I am not speaking about John Beeson; you don't know whether or not if she went out of the Cherokee Nation, whether or not she returned in the year 1866, do you? A No, sir, I don't know about that.
Q And that Mary that was the wife of this man, John Beeson, you don't know whether she is dead or alive do you? A No, sir.
MR. DAVENPORT: I wanted to ask you, Mr. Ellis, do you know Mr. Jack Alberty? A Yes, sir.
Q I will ask you if you remember at any time along the trips you were making there going to Texas or from Texas about the time these people came with you, of meeting him anywhere? A Yes, sir, I met Mr. Alberty as I was coming back from Texas and he asked me-and I stopped to talk with him, and I asked him if he knew these negroes and he said he didn't know whether he did or not, and he went up to the wagon and said that was the negro woman that belonged to Eaton.
Q He recognized her as being the woman that belonged to Mary Eaton? A Yes, sir.
MR. McKOY: That was the Mary that was with you?
A Yes, sir.
Q You don't know whether that was the Mary or not that came back to the Cherokee Nation and stopped down here about Peggy Depot?
A No, sir, I don't know anything about the Peggy Depot.

Com'r Meadlock: This testimony will be made part of the record in the original case and also part of the record in doubtful cases #766, #783, and #972.

---oo0000o---

J. C. Beeson, being first duly sworn, states that he stenographer to the commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

O. L. J.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Beeson, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

Jesse Beeson,	Cherokee Freedmen D-783
John Beeson,	Cherokee Freedmen D-972

-: D E C I S I O N :-

It appears from the records of the Commission that on July 23, 1903, the Commission rendered its decision in the consolidated case of Mary Hudson, et al., Cherokee Freedmen D-784, wherein the applications for enrollment as Cherokee Freedmen of Jesse Beeson and John Beeson were denied. Thereafter the Department in its letter of April 28, 1904, (I. T. D. 2400-1904), affirmed the decision of the Commission relative to the applications of all the other applicants in the said consolidated case, and as to the rights of Jesse Beeson and John Beeson, as Cherokee Freedmen, no action was taken by the Department. The Department further stated that inasmuch as the Commission had not passed upon the rights of Jesse Beeson and John Beeson, as citizens by intermarriage of the Cherokee Nation, the case was remanded in order that proper action might be taken in the premises.
As the Commission has heretofore passed upon the rights of Jesse Beeson and John Beeson, as Cherokee Freedmen, and the Department has taken no action therein, their rights as such will not be considered in this decision.

The record in said case shows that Jesse Beeson and John Beeson both married Cherokee Freedmen citizens.

It does not appear that either of said applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that they have ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Bohanan,

(I. T. D. [illegible]-1904, 11775-1904), Jesse Reese and John Reese are not entitled to be enrolled as citizens by intermarriage of the Cherokee Nation, and that their applications for enrollment as such should be denied under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) T. B. Sandridge
Commissioner.

Muskogee, Indian Territory,

APR 19 1906

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

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BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Jesse Beasón.

783

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Therefore we respectfully request that this motion be allowed.

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1906.

BELL, MARTIN & DIVERNEY,
Attorneys for Cherokee Nation.

By_____

No. D 783

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of Jessie Beason for enrollment as a Cherokee citizen:

Case No. D 703

To Jessie Beason Howata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

Refer in reply
to the following:
Land.
31390-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 3, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1905, transmitting the record of the consolidated applications for enrollment as intermarried Cherokee Freedmen by Jesse and John Beeson.

April 19, 1905, the Commission decided adversely to the applicants.

The record shows that both applicants married Cherokee freedmen citizens; that they are not identified on the 1880 authenticated Cherokee Roll and that neither has been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

E.L.M.

Y.P.
LLB

D. C. 38701-1905.
I.T.D.4964-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 9, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 19, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications of Jesse and John Beeson for enrollment as intermarried Cherokee freedmen, including its decision of the same date adverse to both applicants.

Reporting May 3, 1905, the Indian Office recommended that the Commission's decision denying said applications be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 19, 1905, adverse to both applicants is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

Abd

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D-782-972.

Muskogee, Indian Territory, April 19, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1908, rejecting the applications for the enrollment of Jesse and John Beason as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. S-62

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D-783, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 21, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications of Jesse and John Beason for enrollment as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on August 9, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

LS

Incl. S-102

Cher.Fr.D-784

Cher.Fr.D-784

To be filed with the case of Rosa Buffington C.F.D# 784

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 6, 1901.

In the matter of the application of William H. Buffington for the enrollment of himself, mother and four children as Cherokee Freedmen, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A. William H. Buffington.
Q How old are you? A. 32.
Q What is your post office address? A. Lenapah, Indian Territory
Q What district do you live in? A. Coowescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Is your name on the authenticated roll of 1880? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. It is on the Wallace roll, and on the Clifton roll.
Q Did you ever apply to be enrolled by any other tribe or nation except the Cherokees? A No sir.
Q Who do you desire to enroll besides yourself? A. My mother.
Q Who else? A. Myself and children.
Q How many children have you under 21 and unmarried? A. Four.
Q Please give me the names of your children? A. Roy.
Q How old is Roy? A. I think he is 14.
Q What is the next one? A. Thirteen.
Q What is its name? A Lewis.
Q A boy? A. Yes sir.
Q Lewis, is, what is the name of the next one? A. Rector.
Q How old is Rector? A. 11.
Q What is the name of the next one? A. Solomon.
Q How old is Solomon? A. Nine.
Q Solomon the youngest? A. Yes sir.
Q Do you apply for your mother, the old lady here? A. Yes sir.
Q What is her name? A Rosiah.
Q She is present here with you now, is she? A. Yes sir
Q That is here? (Indicating) A Yes sir.
Q You consider your mother too old and feeble to properly answer the questions herself? A. She can answer some of them, but she can't go the full catalogue.
Q You think she couldn't complete the catalogue? A I don't know whether she could stand Mr. Hastings or not, I don't know whether I could do it or not.
Mr. Hastings: I don't know either.
(Examined by attorney Smith)
Q Have you any children? A. I have the children whose names you have given? A Yes sir.
Q What is your name? A. Roy.
Q Is she living? A. Yes sir. Her name is Anna Allen.
Q Any others? A. William Buffington.
Q And name? A. Lewis Buffington.
Q And children? A. Rosa Buffington.
Q Any others? A. Rosa Buffington. Jennie Buffington.
Q Jennie is a girl? A. Yes.
Q How old are you? A. 32.
Q Where did you live? A. [illegible]
Q Have you been married? A. [illegible]
Q [illegible]
Q [illegible]

Q Was Watt Ridge a Cherokee Indian? A. Yes sir.
Q Where did he live? A. He lived in Flint District, on Honey Creek
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you come back after the war first? A I Come back in the fall of '66.
Q When did you come back with, or did anybody come with you? A I come back with my father and mother and sister.
Q What sister, Georgiann Buffington, her name is now Georgiann Reeves, she is married.
Q Which is the older of the 2, you or Georgiann? A Georgiann.
Q How much older? A She is very near two years older than I am.
Q Where did you come to in '66 when you come back to the Cherokee Nation? A. I come up on Snow Creek.
(Examined by Cherokee Rep've W. W. Hastings.)
Q You sometimes known as Rec. Buffington? A No sir.
Q You are never known as Rec? A No sir.
Q You have a brother named Rec? A No sir.
Q You have a father named Rec? A Yes sir.
Q You were not marrieduntil after the war? A. After the war.
Q Where were you living in the Cherokee Nation when the war come up? A I were living in Flint, I mean I was living half a mile from widow Daniels.
Q Was that in Delaware? A I think it was, I think it was in Flint, I think that is in Flint now, I don't know, I think it is in Flint, because I was small, I was about 10 years old.
Q What children did Ridge have? A None.
Q What was his wife's name? A. Had no wife.
Q Did he live on the plantation with you colored people? A Sometimes he would live and keep my mother, I can't remember, sometimes at places, sometimes he would stop there and sometimes he would have my mother out during the war, I was about ten years old, he had me hired out.
Q Who to? A. Man named Reed.
Q Where did Reed live? A. About a mile from the Widow Daniels
Q In the Cherokee Nation? A. Yes sir.
Q White or white man? A. No sir, he is an Indian, I think, Cherokee.
Q You went out to Kansas during the war? A. Yes sir, during the war?
Q Year? A Yes sir.
Q Where did you go up in Kansas? A I went to Lawrence, Kansas.
Q What did you do up there after the war was over, what occupation did you follow? A I couldn't tell really, it has been so long, I couldn't tell you what I did do.
Q Farm? A No, I didn't farm.
Q Well what did you do for a living? A. I couldn't tell really now, I worked around, I sometimes worked around at houses, and worked around for people, little chores; I think I got work for a while, do chores around family, it has been so long I couldn't tell to say what I did do them.
Q Can you remember? A No sir, I couldn't remember them just what I did, I couldn't think of it.
Q What was your father doing? A. I think my father- I couldn't tell really what he did do them, I mean he was laboring out, but I couldn't tell just what he done.
Q How long did you want up there after the war? A I went to Lawrence, we stayed there up until school we came here we stayed there about a year and we came back again.
Q You said that did you say A We came back again.
Q Do you mean that you did A We came back again.
Q Do you? A We came back and we settled on the west side of the Illinois, near Tahlequah Mills, where we left from.
Q Where you left from? A. Yes sir.
Q When did you first come to Tahlequah Mill? A When we came on the

Creek.
Q Who did you come here with first? A. Came with my father, Rec
Buffington, my mother, Marish Buffington and my sister and myself.
Q How old were you then? A. Well I should judge I was about 16 or
16 years old or 17.
Q Where did you come to? A. When I came from Kansas the first time?
Q Yes? A The first time we returned back in the fall of '88 and we
came to Snow Creek.
Q On what place did you stay? A We stopped at Grandverson Little's
Q On S[illegible]? A. Yes sir.
Q Who was Grandverson Little's wife? A Grandverson had no wife then.
Q He had a place up there? A. Him and his father and sister was
there [illegible] wife.
Q [illegible] A. No sir.
Q [illegible] A. I staid there 3 weeks
Q [illegible] to Fort Gibson.
Q [illegible] did you go from there? A. I went to Fort Gibson.
Q [illegible] father did mother go with you? A. Yes sir.
Q How long did you stay in Fort Gibson? A. Staid there about three
days during the time I was there my father went up into town and
stayed all night, and he came back and said we would have to go away
from there, because they were shooting down colored people in Fort
Gibson and he came back and said we would have to get away.
Q Where did you go to then? A. On the west side of the Virtigris, not
far from Timbered Hill.
Q How far from Verdigris? A I guess about eight or nine miles.
Q How far from Timbered Hill? A I guess about a mile or two.
Q What direction? A I couldn't tell you that really, because during
them times I couldn't tell now because the country is settled up and
it is hard to tell.
Q How long did you stay there? About four or five weeks.
Q Where did you go from there? A. Went back to Kansas.
Q To Lawrence? A Yes sir.
Q How long did you stay in Lawrence? A I staid there until——
Q How long did your father and mother with you were they all this time? A With us
Q Your father and mother and all of us right together.
Q [illegible] all of us went back to Lawrence.
Q [illegible] we went back to Lawrence? A. Went back to Lawrence.
Q How long did you stay there then? A. Staid there a year.
Q [illegible] you go to Lawrence? A. Well see you have got me again;
[illegible] for me to tell you, because I couldn't tell you, I
[illegible] anything he can get. It is mighty
[illegible] what he was doing
[illegible] staid there a year in
[illegible] in the spring of '88.
[illegible] you come to? A. Went right back to
[illegible]
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] you had formerly been? A. Yes sir. And then I went
[illegible] I got married.
Q [illegible] married had you? A. Yes sir, I got married.
Q [illegible] married? A Yes sir, I got married.
Q To your present wife? A Yes sir, in Kansas.
Q [illegible] did you marry her? A In Kansas.
Q [illegible] what year? A. Married her in Kansas, and I had one child
[illegible] right out school we had a little old [illegible], we was
[illegible] hard,
[illegible] had the drought and
[illegible]
[illegible] good.
Q [illegible]
Q [illegible]
Q [illegible]
[illegible] back there.

Q You are not positive? A. No, something I never done is to keep the children's ages, I can give a pretty good idea close to it, but I can't tell it exact, but she is about 30 or 32.
Q And she was born in Kansas? A. Born right across from Timbered Hill in there.
Q Born in Kansas? A No sir, born in the Territory.
Q I thought you said awhile ago your oldest child was born in Kansas?
A No sir, I didn't.
Q What is your next child? A. William
Q Where was William born? A. In Kansas, my wife was a state woman and her mother, and when my wife would come in a delicate condition we was hard up here, we have to pull, and I sent her home to her mother.
Q You would, up to Lawrence, Kansas? A. I sent her to her mother, yes sir.
Q What was your next child's name? A. Reuben.
Q Where was Reuben born? A. If I mistake not, I think he was born, I dont know which one it was, but I had one child born when I was coming back down here, my mother was granny of all them children, she was the mid-woman, everybody knows that and will tell you, I think Reuben was born-
Q When you was coming down here the last time? A No sir.
Q Did you go back to Kansas after you were down here? A. Yes sir.
Q How long did you live in Timbered Hill after you come there the second time, as you say, in the spring of '68? A I don't know whether it was the spring, but it was in '68.
Q You say your mother died the how long did you live out there at Timbered Hill then? A. About three months.
Q Then where did you go? A. Back to Kansas.
Q To Lawrence? A. Yes sir.
Q How long did you stay in Lawrence? A. I staid there until '70.
Q Where did you go then? A. We come back, me and my father, he located a place on Cedar creek he did, I stopped, I mean located a place on Cedar creek, near where Frank French lives, we went and I moved around to hunt up some money and the medicine and one thing and another, and he commenced to improve and we staid around there up until I think up in 1880.
Q And then where did you go? A. And then he got so bad with the dropsy and pathisis until I had to take him home and we went back to Kansas.
Q In 1880? A Yes sir.
Q Did you take your wife and mother? A. We left them when we came down, my sister and them, in Kansas.
Q Did your father die up in Kansas? A. Yes sir, he died in Kansas.
Q How long did you remain up there at that time, what did your father die, I will ask that, in what year? A. I will tell you the circumstances, I can't get at the year.
Q When did he die? A. He died right after the Vallace court, if you know when that was.
Q What was in '68 wasn't it? A. It was right after the [illegible]
Q and he came down to the Vallace court.
Q From Lawrence? A. Yes sir, that was my last return: [illegible] registered he heard that terrible he got through, [illegible] with him, [illegible] he died and he lived about [illegible]
Q Your mother and dad and children came up to the [illegible] Vallace court and here? A. Yes sir.
Q About the building [illegible] did you spend some days? A. [illegible]
Q About the Vallace [illegible]? A. No sir, right after the Vallace court.
Q And you have been here ever since? A. Yes sir, and living [illegible]
Q And you have been here ever since? A. Yes sir, and living [illegible] [illegible] Washington, I mean over Lawrence, we located right there and [illegible] living down over yonder.
Q Did you ever see Another Bull or no [illegible] A. No sir.

Q Ever see Gus Buffington? A. No sir.
Q What kin are you to Gus? A I aint no kin to Gus as I know of, I think my father, I heard him speak about it when we was down to the court Gus Buffington was a witness for him and his children and I think on the Wallace court I think Gus Buffington did witness there and Allen Lynch I think did witness, I am pretty certain they did, they witness they had two children, my father always spoke in regard to the case and I think said they was charmies, I think he said he whipped Gus' wife or something or other.
Q Where did you make your place first down here after the Wallace court? S. Lenapah.
Q That where you are living now? A. Yes sir.
Q You have been living there since that time? A. Yes sir, I taken that place,— but I taken that place, yes sir, then.
Q Did you say your third child was Reuben? A No, let's see, let me count, I want to get all correct, Anna, Will, Reuben, yes sir, hold on there, let me see—
Q Where was Reuben born? A. I dont know, tell you honest, I am got kinder block headed and I don't want to get it wrong.
Q Who was Granderson Little's neighbors on Snow Creek when you first come down? A Well sir, when I come there— I mean I didn't see nobody saving seen Nelson Murrell there, passed the family.
Q Was he living there then? A. I don't know, I seen him camping.
Q You said you were there? A. That's all the man I seen saving me, there was lots of Osage Indians scattered around through that country
Q Wasn't no Delawares was there? A. I didn't see no Delawares, I seen Osages.
Q Osages living right there on Snow creek? A Yes sir, right in that direction, you could see them passing, lots of Osages in there.
Q You didn't see any Cherokees? A Didn't see a single one, not one.
Q Did Granderson Little have a place up there? A He had a house and he was making a farm, it seems to me like I could see a little clearing or something of that kind.
Q You know whether he raised any corn the year before? A No sir.
Q You know whether he had any or not? A. No sir, I know I never got any, because we had to graze our horses best we could, and the frost was falling.
Q Didn't you go by the name of Pennington when you come down here? A Yes sir, I had a name, name of Pennington, and how that come was because when I went to marry I pulled off and made myself a change. I was living with a man, and though my name was Buffington.
Q Didn't but you would go by that name would you? A. Well they would call me that, and I went by the name of Sancho too right after I come out from the army and got around in amongst the people, some of them called me Sancho, and I went by the name of Sancho.
Q You have lived permanently in the Cherokee Nation since the Wallace court? A. Yes sir, been right here all the time.
(Examined by Attorney Smith)
Q When was it your father died, was it before or after the Wallace court? A. After the Wallace court.
Q About how long afterwards? A. About three months I guess.
Q Was your mother a slave? A. Yes sir.
Q She belonged to the same man you did? A. Yes sir.
Q You she will you all the time in Kansas, and come back, then you have resided there? A. Yes sir.
Q She resided the same time you did? A. Yes sir.
Q She is the mother of these four children, Ray, and Lewis and Reuben and Harley? A. Harley Pennington.
Q He was living? A. Yes sir.
Q Is she a Cherokee freedman? A. No sir.
Q She is known as a white woman? A. Yes sir.
Q Have you got your proof of your marriage? A Well I can prove it by some old here.

(Examined by Attorney Smith)
Q Who is there here who knows you have lived together, these other witnesses know about it? A. Yes sir, they know it.
(Examined by Commissioner Needles)
Q Where were you married to her? A. In Kansas.
Q About when? A. I married in '67.
Q Been living with her ever since? A. Yes sir.
Q And she is the Mother of these four children? A. Yes sir
Q Were you ever married before? A. No sir. Every one.
Q Are these children living at this time? A. Every one of them.
Q Living with you? A. Yes sir.
(Examined by Cherokee Rep've Hastings)
Q Where are these other children, these older ones? A They are here
Q ~~Any of them married up in Kansas?~~ A. No sir, they are every one right in this Cherokee Nation, some of them married citizens in this country and all and everything.
(Examined by Commissioner Needles)
Q Is your name on the authenticated roll of 1880? A No sir.
Is it on any of the rolls of the Cherokee Nation? A It is on all of them saving the 1880 roll.

Kern-Clifton roll of citizens of the Cherokee nation examined and applicants identified thereon as follows:
page 180 #4418 William H. Buffington, Goowesoocowee district.
page 180 #4421 Roy Buffington, Goowesoocowee district.
page 180 #4428 Lewis Buffington, Goowesoocowee district.
page 180 #4425 Rector Buffington, Goowesoocowee district.
page 180 #4424 Solomon Buffington, Goowesoocowee district.

Wallace roll of citizens of the Cherokee Nation, examined and applicants identified thereon as follows:
page 178 #313 Wm H. Buffington, Goowesoocowee district
page 178 #313, Maria Buffington, Goowesoocowee district.
Kern Clifton Dey roll of citizens of the Cherokee Nation examined and for applicant's mother and name notfound.

APPLICANT: I don't think she is on that roll; they claimed her name was lost.
Q Do you know the reason your name is not on the roll of 1880? A My father he said they didn't come around. He was there but they didn't come; they went to the house to take it and they didn't come around.
Q Your mother has no [illegible]? A. No sir.

[illegible] stenographer.

N.B.Green, being first duly [illegible] says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony of witness in the foregoing case and that the foregoing is a true and complete transcript of the evidence taken thereon.

(Signed) N. B. Green.

Subscribed and sworn to before me this June 10, 1902.

(Signed) [illegible] B. Needles
Commissioner.

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Continuation by Chas. Van Dyke, June 9th 1902, at Chelsea, I. T.

[illegible] called and sworn to a witness, testified as follows for the applicant: ([illegible])

Q What is your name? A. Sam Webber.
Q How old are you? A. 50.
Q What is your post office? A. Nowata
Q How long have you lived in the Cherokee Nation? A. I was born and raised here, went out in the time of the war and come back again.
Q When did you come back again? A In '66.
Q Where have you lived ever since 1866? A On Big Creek part of the time and now in Nowata.
Q Are you on the authenticated roll of 1880? A. Yes sir.
Q You are a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Freedman citizen? A. Yes sir.
Q Do you know this old lady here, Maria Buffington? A. Yes sir
Q Do you know William H. Buffington, this applicant? A. Yes sir.
Q What kin is William H. Buffington to this woman here? A. Her son
Q How long have you known them? A. I saw them in the fall of '66 at Timber Hill.
Q Where is Timber Hill? A It is north and a little west of Lenapah as near as I can say.
Q In what Nation? A. Cherokee Nation.
Q Did you see them more than once during that fall? A I don't know as I did after I seen them there .
Q Did they go away from there that fall? A. They claimed they was going to Fort Gibson.
(By W. W. Hastings)
Q When did you next see them? A. I never saw them until quite a while after that.
Q About how many years after that? A. I can't be real certain, I met them quite a while after on the Virdigris.
Q When did they locate up there? A. I can't tell, I don't know; I don't know as I can tell you that.
Q Since the Wallace payment? A. I won't be certain, it might have been before and it might not, I don't know.
Q What is your best judgment now as to when they have been located up there on the Virdigris? A I remember seeing them - - it was before the Wallace payment
Q Was it after the taking of the testimony? A. Times before that.
Q What was this Maria's husband's name? A Hector Buffington.
Q Is he living? A. I heard he was dead.
Q When did he die? A. Somewhere about the time - I heard he died up North, I don't remember when.
Q Did he ever come down here to locate permanently? A I don't think he did.
Q Did the rest of the family come down after the death of Hector Buffington? A Yes sir the time I first met them.
Q Are they living in a house that Frank lives? A. In a camp.
Q Then had no house? A. I never saw any house.
Q In that part of the Virdigris River? A. Yes sir.
(By Smith)
Q Do you know William H. Buffington's wife? A. No sir I have seen her but I am not acquainted with her.
Q How can that be have from you know? A. I've seen it miles away.
Q Can you state whether or not they were then living together as man and wife, and if so, how long? A. They was living together as man and wife.
Q Have they any children? A. Yes sir they have got children.
(Cross Examined by William.) (By Smith)
Q What is your age? A. Fifty Eight.
Q You did not part? A. Yes sir.
Q Have you any other name? A. No nothing else except, as close to Webber as you know? A. No nothing else.
Q Are you some kin to Webbers? A. Yes sir.
Q Are you good city citizen? A. I think so, I think so to the center.
Q Are you acquainted with Hector Buffington?

Q Do you know William's mother Maria, ever see her or not? A. Yes sir I know her in part.
Q How long have you known Maria? A Ever since the year '66 very good
saw her in '65.
Q When did you first see Hector Buffington in the Cherokee Nation
after the war? A I seed him off and on long be after the war, I cant
just say what time I seed him, off and on though just after the war.
Q Did he go out of the Nation during the war? A. I dont know.
Q Where were you during the war? A. I was in that army first.
Q When did you leave the army? A. I was discharged in May '65.
Q Where did you go to then? A. Staid right in Fort Gibson.
Q How long did you stay there after you were discharged? A. I just
cant remember zacly.
Q Was it a short time or a long time? A I think it was in '64 or '3
along there'
Q How many years did you stay, or months, for how long a time did
you stay in Fort Gibson after you were discharged from the army? A
I staid there about three years.
Q After you were discharged from the army in Fort Gibson, what was
the first time that you saw Buffington in the Cherokee Nation? A.
He came to my house as near as I can remember when they was all
stired up in the year '66.
Q Was any one with him then? A ~~He was~~ He was alone, just Sam Webber
and his father.
Q Do you know where he was from then? A No sir.
Q When was the next time you saw this man Buffington? A Off and on
ever since.
Q Where had he been living? A. I dont know where he had been living
all the time.
Q Do you know where he lived any of the time? A. I know where this
man lives now; I saw him in Lawrence Kansas once too.
Q Was this man living up there in Lawrence when you saw him? A I
suppose so.
Q Did he have a wife? A. I never paid any attention to it, he might
have had one.
Q How many years was that after you saw his father below? A. I don't
know.
Q How long after that was it before you saw this man in Lawrence?
A I cant tell you how long.
Q Was that the only time place that you saw this man outside of the
Cherokee Nation? A. I saw him when he come to us at Rey Mills in
Missouri.
Q When was that? A In '65.
Q When he first came there that was during the war was it? A. Yes sir
Q Did you ever see this man William P. Buffington in the Cherokee
Nation? A. Yes sir at Lenapah where he lives.
Q Did you ever see him any other place in the Cherokee Nation except
at Lenapah? A. No sir, I seed his father in '64 at Fort Gibson.
Q Where did his father die? A. I dont know.
(By W. W. Hastings)
Q Were you ever in Detroit Michigan? A. That dont have nothing to do
about this case I'm.
Q Were you ever there? A. That dont have nothing to do about this
case.
Q Were you ever in Detroit Mich what I want to know is that is some
of your business; if you is testing to the proceedings court that is
what you are testing to and about me in Detroit.
Q Were you ever down before Judge Hagner of Fort Smith and tried and
testified and went to Detroit? I am to find out if you are
[illegible] you will be going there too before long.

Q Were you ever convicted of stealing before Judge Parker and sent to the penitentiary at Detroit? A Has you got the constitution for asking me that?
Q I want to have an answer to that question? A If you has the constitution for asking me any such question I will go into it but you know you aint and I aint going to answer it, cause you has no right to ask me no such question.
Q Then you refuse to state whether or not you were arrested and taken to Fort Smith Arkansas for stealing and tried and convicted before the United States Court there and sentenced to a term in the penitentiary at Detroit Michigan? A. Yes sir.
Q Do you mean that you decline to answer or that you were convicted?
A That I decline to answer.
(By W. W. Hastings:
The representative for the Cherokee Nation ask that the witness be compelled to answer.
(By Commissioner to witness)
Q Do you know Maria Buffington? A Yes sir.
Q Where did you first see her after the war? A Lawrence Kansas
Q Do you know where she was in '68? A No sir I dont I know where her husband was.
Q Where was he? A. He come to Fort Gibson.
Q You dont know if she was with him or not? A. No sir, he said his family was back behind.

NELSON MURRELL called and sworn as a witness for the applicant, testified as follows: (By Smith)
Q What is your name? A. Nelson Murrell.
Q What is your post office address? A. Coffeyville.
Q Where do you live? A. Cooweescoowee district.
Q In the Cherokee Nation? A. Yes sir.
Q How old are you? A. 77, years old.
Q Do you know this applicant Maria Buffingto n? A Yes sir.
Q How long have you known her? A. About in 1858.
Q Do you know if she was a slave before the war or not? A. Yes sir she was.
Q To whom did she belong? A. John Ridge.
Q Was he a Cherokee Indian? A. Yes sir.
Q A recognized citizen of the Cherokee Nation? A. Yes sir.
Q Can you state when she first returned to the Cherokee Nation after the war? A. I dont know when she returned to this Cherokee Nation.
Q What Ridge did she belong to? A. John Ridge.
Q Where did you first know her? A. Back in the old country on Red Hill.
Q What old country? A. In Georgia.
Q Did John Ridge come to this country? A. Yes sir.
Q And he brought his slaves with him and among them this woman? A. Yes sir.
Q Was it before or after the war that they come? A. Long before the war.
Q Do you know if John Ridge had any children, and if so who were they?
A One boy that I knowed, Walt Ridge.
Q Do you know how the [illegible] got to the Cherokee Nation from Georgia? A [illegible]
Q What became of John Ridge after he came out? A. They killed him some time after he got here.
Q What became of Walt when he got killed? A He fell to Walt Ridge.
Q What became of Walt? He got killed? A He fell to Walt Ridge.
he had a band of [illegible].
Q Where did he live? A. [illegible]
Q Do you mean a place called [illegible] or by [illegible] that were called [illegible]? A. It was a [illegible] place called [illegible] or do you mean
Q Do you mean that there was a place called [illegible]
[illegible] A. I mean called that.

(By W. W. Hastings)

Q What district did this man Bushyhead live in? A. I dont know.
Q Were you ever there? A. No sir.
Q You did not know this man Rector Buffington ? A No sir not until 14 years ago. I knew this old woman.
Q Before the war? A. Yes sir.
Q How long before the war? A. Up on Spring river about 8 years before the war.
Q Was that the last time you saw her before the war? A. Yes sir.
Q You saw her on Spring river? A. Yes sir.
Q In what district? A. Dont know the district.
Q Where was it that you saw her here? A. At a Camp Meeting.
Q How far from Tahlequah? A. Oh about 40 miles or so
Q At a camp meeting? A. Yes sir.
Q Was she living up around there? A. I dont know if she was living up around there or not, but that is where I met her.
Q You were allowed to wander around through the country were you? A Yes sir.
Q She was allowed to do the same was she? A. I dont know that, but I know she was at that camp meeting that time.
Q Dont you know that John Ridge was killed in the year 1840? A I dont know it.
Q Dont you know that they were all run out of this country and went to Fayetteville Arkansas? A. No sir I dont know nothing about that.

(By Hastings of applicant Maria Buffington)

Q Auntie, where did you live when the war came up? A I was weaving carpets close to where Jack Moore lives.
Q How long had you been weaving carpets before the war and where? A For a long time about and about.
Q For white people? A. For Cherokees and white folks too I reckon.
Q Were you in the States or in the Nation? A. In the Nation.
Q Give me some of the names of the people for whom you were weaving carpets before the war? A. Jack Moore's sister Jane, two for her, and some for Mrs. Daniels, the widow Daniels; some three or four more I don't remember them all.
Q Did you ever live in Fayetteville Arkansas? A. No sir.
Q What town did you live near before the war? A. Never lived close to no town; Honey Creek was where we went some times, we would go there to get a few things out of the store there; Buffington always got things for me.
Q You are too old to know much about any of these questions? A. I can't answer this.

(By Smith)

Q How old are you? A. I am in 80 something.
Q Do you remember to whom you belonged? A. Yes sir.
Q Who? A When we first started to this country my master John Ridge said, he said he wanted me to go with them as I was so good about carrying buckets of water and I came with them to this country and when we got here and he done got killed he wanted that I should be willed to his son Watt and then I was willed to Watt and belonged to him.
Q What kin was Watt to him, his son? A. I reckon.

MARIA JOHNSON being sworn as a witness testified for the applicant as follows: (By the Commission)

Q What is your name? A. Maria Johnson.
Q How old are you? A 51.
Q What is your post office address? A. Lenapah.
Q Are you the applicant? A. Yes sir.
Q Are you married? A. Yes sir.
Q What is her name? A. Nancy.
Q Do you know if they are married? A I dont know of their marriage.

I know that they have lived together as man and wife.
Q How long have you known them since they lived together as man and wife? A. I dont know just exactly.
Q About how many years? A. They have been living neighbors ever since 1890— they were living together then.
Q Have they been living together sin e then? A. Yes sir.
Q Are they recognized in the Community as man and wife? A. Yes sir
Q Do you know their children? A Yes sir.
Q Do you know Roy? A. Yes sir.
Q Do you know Lewis? A. Yes sir.
Q Do you know Rector? A. Yes sir.
Q Do you know Solomon? A. Yes sir.
Q They are considered their children are they? A. Yes sir, they are their children.
(By Smith)
Q Do you know any of the older children of the Buffington' ? A Yes sir.
Q Which ones are older than Roy? A. I know Annie, Will, and Rose and Bess and Roy.
Q Have they ever lived with William H. Buffington since you knew him and his wife? A All of them is living there together.
Q Were they recognized there as being the children of him and his wife, the older ones? A. Yes sir.
(By W. W. Hastings)
Q How long have you known William H. Buffington? A I dont know just how long.
Q Well to the best of your judgment how long have you known him? A I know them as neighbors since 1890.
Q Did you ever know them before that time? Did you know William H. Buffington before you knew him that time? A. Yes sir.
Q Before 1890? A Yes sir.
Q How long have you known him? A I have knowed him ever since— — for a good many years.
Q Well about how many years? A. I dont know.
Q What is the best of your judgment as to how long you have known him? A I dont know— I have been knowing — I have known him— I have no idea how long I have known him. I dont know, I have no judgment about it.
Q How old are you? A 51.
Q Did you know him when he married? A. I dont know anything about his marriage, all that I know I know is that they has been living there for a long time as man and wife.
Q Did you know of them living together as man and wife before 1890? And if so, for how many years? A. I dont know.
Q Did you know them before that? A. Yes sir.
Q Where did you know them before that? A Why I think it was in the Territory in 1888.
Q Was that the first time you ever saw them? A. (No response)

Maria Buffington recalled and examined by W. W. Hastings:
Q How long have you known this witness Maria Jackson? A. I am the grandmother of her
Q Where was you born? A. In this Territory.
Q Have you been out of the good house? A. No time, a little log house out in this direction (waving her hand) towards Lehigh.
Q Have you been out of it since? A. Yes sir.
Q Did her live with you? A. No sir.
Q Did you know her as Jackson Jackson? A Her father.
Q Was she your grandchild, wasn't it the line of his mother side, and you? A Yes sir, only place that I got was before that time.
Q Did she live with you before that? A No sir she did because Bill lived together.
Q No husband? A. No sir.

Q In the country of your birth,
Q In Kansas? - Yes the United States.

By Com'r Wardlow. - William H. Buffington appears for himself and his mother, Maria Buffington, and Maria Buffington appears in the course of the application, but it is averred that on account of her advanced age and infirmities she cannot apply for herself and answer the necessary questions. The applicant also applies for four children, Roy, Lewis, Rector, and Solomon; they are all duly identified on the Kern-Clifton roll and the Wallace roll, except the children who are only identified on the Kern-Clifton roll; none of them are identified on the authenticated roll of 1860 or the census roll of 1896; they make satisfactory proof as to residence. The applicant does not apply for his wife. The said Maria Buffington and the said William H. Buffington and his four children as named herein, Roy, Lewis, Rector and Solomon, will be listed for enrollment as Cherokee Freedmen on a doubtful card and he will be notified by mail of the final decision of the Commission.

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Chas . von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise

Subscribed and sworn to before me this the 18th of June 1901 at Chelsea, I. T.

(Signed) I. B. Woodson,

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20, 1901.

In the matter of the application of Rosa Buffington for the enrollment of herself as a Cherokee Freedman; said Buffington being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W Hastings, for Cherokee Nation.

Q What is y our name? A Rosa Bu ffington.
Q How old are you? A 26 years old.
Q What is y our post office address? A Lenapah.
Q What district do y ou live in? A Coweescoowee District.
Q Do y ou apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do y ou apply to enroll anybody but yourself? A No, sir.
Q Are you married? A No, sir.
Q What is your father's name? A William Buffington.
Q Your mother's name? A Louvisa Buffington.
Q Is y our name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation e xamined and name of applicant not found thereon.
The Kern -Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 180, #4417 Rosa Buffington, Coweescoowee District.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 181, #3328, Rosa Buffington, no district given.

BY MR. MELLETTE:
Q Where have you lived since you can remember? A I lived in the Cherokee Nation.
Q You are a daughter of William H. Buffington who applied for enrollment as a Chero kee Freedman? A Yes, sir.
BY MR. HASTINGS:
Q Your grandfather was named Reek Buffington? A Yes, sir.
Q He died in Kansas? A Yes, sir.
Q After he died you came to the Cherokee Nation? A I was here before that.
Q How long? A I came before here when the Wallace Court.
Q That is when you came down first? A Yes, sir.
BY COM'R NEEDLES:
Q Have you been living continuously in the Cherokee Nation since you came here to the Wallace Court? A Yes, sir.
Q Never lived here before? A No, I haven't myself, I have been here.
Q You are not married? A No, sir.
Q Ever been married? A No, sir.

COM'R NEEDLES: Rosa Buffington applies for the enrollment of herself. Her name cannot be found upon the authenticated roll of 1880, but is duly identified upon the Kern-Clifton roll and Wallace roll. She avers that she is a daughter of William H. Buffington who was listed for enrollment as Freedman I card #448, and the testimony taken in the matter of the enrollment of said William H. Buffington will be made part of the record in the case of her and a copy thereof will be filed herewith. Said applicant will be duly listed for enrollment as a Cherokee Freedman upon a Dawes full card. She will be duly certified of the decision of the Commission in the premises.

Rose Darlington,--#8

J. C. Russ, being first duly sworn, states that as stenographer to the commission to the five civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. C. Russ

Subscribed and sworn to before me this 6th day of July, 1901.

Commissioner.

File with case of Rosa Buffington, C.F.-D.#784.

Supl.C.F.-D.#655.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM H. BUFFINGTON, et al., as Cherokee Freedmen, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A J. M. Tittle.
Q What is your post office? A Vinita.
Q What is your age, Mr. Tittle? A 55.
Q Did you ever live up at Lenapah? A Yes, sir.
Q Did you know a colored man there by the name of William H. Buffington, or Pemberton? A Yes, sir.
Q When did you learn to know him? A I think, as well as I remember it, it was in '91, either '91, or '2, somewhere along there.
Q Well, did you have any budiness relation with him? A Yes, sir, I have had.
Q Do you say yes? A Some, yes, sir.
Q Was that the first time you ever knew him? A Oh, I had seen him around there a while before he come in.
Q Do you know where he come from? A Said to be from Lawrence, Kansas, I don't know only what the talk was at the time.
Q Do you know whether he had his family with him when he first come, or not? A I don't think he did.
Q Well, did he rent a barber shop from you? A Yes, sir.
Q State whether or not you got a permit for him? A Rented a rook from me and put his tools in.
Q Well, did you get out a permit for him? A Yes, sir.
Q Well, have you that permit? A I don't know whether I have or not, it may be among my papers, I never paid much attention to that; it might be among my papers somewhere.
Q Never had occasion to keep it from that time? A No, sir.

MR. SMITH: Mr. Tittle, have you made any search for that permit? A No, sir.

Mr. Smith: Applicant moves to strike out the testimony in regard to the permit for the reason that it is not the the best evidence.

Q You didn't get a permit for him? A Yes, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Did you have to get permits for citizens? A No, sir
Q Did he claim that he was a citizen at that time? A No, sir.
Q What did he claim with reference to his citizenship when you first knew him? A I don't know, didn't have nothing to say to him before, just saw him about the place there, I never asked him until he come to rent the barber shop from me, and I understood he wasn't a citizen and I said I can't let you have the shop without a permit and he said all right, and got a permit for him. John Martin was Deputy Clerk at the time and issued the permit for him.
Q How long did he live there before his family came? A I don't know, it was sometime before he come to my place and took possession of my place.
Q What name did he go by when you knew him? A Pemberton.
Q How long after he was there until he changed his name to Buffington? A I don't know, somebody have told me, but first I knew of

-order-

him he was trying to claim right in the Nation under Buffington.
Q Well, that was the first you knew of it? A Yes, sir, that is all I know of him.

MR. SMITH: Mr. Tittle you don't know that the man you knew is the same man that is applying here for citizenship in this case?
A. From what I understand from Buffington it is the same man.
Q I am making you what you know of your own personal knowledge?
A I don't know that he is the same man until you would bring him before me, I can tell you.

(Mr. Hastings asks to have applicant called.)

Q How long since you knew the man Pemberton? A I knew him ever since he came there to my place.
Q When was that? A I think it was in '91 or '2, somewhere along there, I can't recall to memory right now.
Q How long did you know this man about when you speak, how long did you stay up at Lenapah? A I was there until '93, he was there all the time I think I lived there in '93.
Q Well, now, you don't claim that he told you he was not a citizen of the Cherokee Nation? A Yes, sir, he did; of course he did, sir.
Q He told you he was not a citizen? A Yes, sir, and took out a permit under me and wanted a rock from me as a barber shop.
Q What year was that? A I think it was in '91, or '2, I can't tell unless I would refer to some records.
Q Do you know whether it was before or after the Wallace enrollment?
A It was before that.
Q How long before? A I was, I could not tell just exactly, it was before that, and the Wallace roll was made and they was over there and stayed a while.
Q The Wallace roll was made after that? A Yes, sir.
Q Can you state about how long after that? A I think I went up there--I could not tell just exactly how long; it was not a great while after he got out the permits, the records will show the permit, John Martin at the courts here, he was Deputy Clerk under Harden Trott and he has the record of the permit.
Q Who is John Martin? A He lives at Nowata, he was deputy clerk in my store at the time the permit was issued.
Q You think he has got a record of the permit? A Yes, sir, when a permit is issued it was placed on record and I think he has got it, he might have turned it over to Harden and put it on the record there.
Q Now, the only reason for taking out that permit that you took out was that he asked you wanted him to comply with the law in regard to letting him have the house? A Yes, sir.
Q You wanted him to have the house? A Yes, sir.
Q And told him unless he would take out a permit that he was a non-citizen you would not let him have it? A Yes, sir.

MR. FIELDING: This man afterwards went by the name of Buffington, did you say? A Yes, sir, he went by Pemberton and afterwards by Buffington, he took out the permit as Buffington, I think, Buffington or Pemberton.

MR. SMITH: Now, how was the permit taken out, as Buffington or Pemberton? A Pemberton I think.
Q You don't state positively? A No, I don't remember positively.
Q Did you know him as Buffington before you got the permit?
A I might have learned his being called Buffington.
Q He went by both names all the time as well as you know?
A Yes, sir, everybody just spoke about him as the man being Pemberton, he done business, taking down there.

The stenographic duty assigned by Commissioner Fredericks, is defined as follows: On part of Cherokee Nation

Q What is your name? A Sim Rogers.
Q What is your age? A 42.
Q What is your post office? A Lenapah.
Q You were summoned to be here yesterday? A Yes, sir.
Q I believe you stated you missed the train? A Yes, sir, I missed the train.
Q Do you know a colored man by the name, goes now by the name of William H. Buffington? A Yes, sir, I am acquainted with him.
Q How long have you known him? A About ten years I guess, nine or ten years.
Q Where did you first see him? A I saw him at Lenapah.
Q Do you know where he come from when he come there?
A He told me he came from Lawrence, Kansas, that he was looking for a location for a barber shop, and I took him around to Him Tittle and introduced him to Sim Tittle.
Q This man who has just been on the stand? A Yes, sir, and he told me his name was Harry Pembleton at that time.
Q Was his family with him? A No, sir, by himself.
Q Did he claim to be a Cherokee citizen then? A No, sir.
Q How long after that before his family came? A It was sometime after that, it must have been 18 months or two years, somewheres along there.
Q How long have you livedin the neighborhood of Lenapah, where Lenapah now is? A Well, I was living there before Lenapah was made.
Q Well, about how long? A I have been living there altogether about 22 or 3 years, five maybe; I moved up there in '74.
Q And you have been living in that neighborhood since that time?
A Yes, sir.
Q Is there a timbered Hill six out west or northwest of Lenapah?
A Yes, sir.
Q How far? A About seven or eight miles, I don't know just the distrince, it is seven or eight miles.
Q Are you well acquainted up in that country, from the time you moved there? A Well, I know pretty much everybody in the neighborhood, that is in the country up there.
Q Did you ever see or hear of this Harry Pemberton or Buffington before he came down there? A No, sir, I never heard of him until the morning I saw him there; the morning he got off of the train there at Lenapah is the first time I ever seen or heard of him.
Q Do you know of your own knowledge that he took out a permit?
A Now since Love-
Q I don't want you to give hearsay testimony? A I never saw the permit.
Q Only what he and this Tittles talked about? A Yes, sir.
Q Is this the man you are talking about? (pointing to applicant?)
A Yes, sir.
Q Is he a man that rented a barber shop from Sim Tittle?
A That man right there is the man that came to Lenapah hunting a place to put up a barber shop
Q And that is the man that rented a shop from Sim Tittle?
A Yes, sir.
Q And that is the man you are talking about? A Yes, sir.
Q Do you say he went by the name of Harry Pemberton?
A He introduced himself to me as Harry Pemberton.
Q How long did he go by that name? A I don't know. Late of Folks called him Harry Pemberton yet.
Q Well, largely, he went by the name of both Pemberton and Buffington? A No, sir, I never heard of Buffington part of it, it was sometime after he came here in the country.

Q Well, how long? A I don't know just exactly how long it was, but he went by the name of Pemberton all the while and then some of them got to calling him Buffington and I thought it was just a nickname they was giving him.
Q Well, How long was it after he came there until you heard the name Buffington? A I don't know.
Q Well, give your best judgment, as to whether it was a year, six months, or how long? A I don't know.
Q You don't know whether it was a month or seven years, do you?
A No, sir.
Q You haven't any idea? (No response.)
Q Have you? A No, I don't know how long it was.
Q Did he have any children? A Yes. When?
Q When he came there A No, sir, he was by himself when I saw him
Q Did he have any family there at all? A Has a family there now.
Q How long was it after you first saw him until you saw any of the members of his family? A It was about 18 months or two years.
Q Well, what members of the family did you see? A I saw his boys, Will and Rube and Will's wife.
Q Name John? A What is his name, his name is Will, isn't it; I call him Will, I don't know what his given name is; I just calls him Will and everybody else calls him Will Buffington. It was about two years after I seen any of the members of his family.
Q What did you understand their names to be; what do you call them, what did you call Will? A They calls him Buffington now.
Q What did they call him then? A I don't know.
Q What did you call him? A I called him Pemberton.
Q Did you call Will Pemberton? A Yes, sir.
Q Was that time you speak of this man getting into the trouble before or after the Wallace payment? A It was after the Wallace payment.
Q How long after it? A I don't know, i'll say about a year I reckon; year or two years, I don't know exactly how long it was, it was some time after the Wallace Payment.
Q And he had come you say direct from Kansas then? A No, I didn't say that, I said he told me that he came from Lawrence, Kansas; I didn't say he came direct from Kansas.
Q Well, where did he come from? A I don't know, he said he came from Lawrence, Kansas.
Q Is that true? A Yes, sir, I was there and saw him.
Q Well, did he stay there two years before any of the members of his family came down? A He stayed there a good while, it was 18 months or two years before I saw any of his family; he might have had them there, I never saw them.
Q Where was he? A He was right there at Lenapah running a barber shop.
Q Now, you say when you saw him down there he didn't claim to be a citizen; did he say anything about being a citizen? A He was looking a place to put up a barber shop, and I asked him where he was from and he said he was from Lawrence, Kansas.
Q Was that all he said? A About that.
Q About where he was living there and about his citizenship? A That was all he said to me, said he was looking for a place for a barber shop and I told him I thought Jim Gillis could tell him more than I could and he went there and I introduced [illegible] to Jim as Harry Pemberton.
Q You testified a while ago that he denied being any Indian or citizen? A I don't know that he claimed.
Q He denied you was he not. Didn't you say he didn't claim to be a citizen? A I told you he was down there looking for a place for a barber shop and he was from Lawrence, Kansas.
Q Didn't you say that he didn't claim to be a citizen? A I don't know I did; I don't remember anything about citizenship [illegible]

Q At the time you referred to Jim Tittle the first time you ever saw him? A I think it was the first time; I knew it was the first time I ever saw him.
Q Where was Jim Tittle living then? A He was living up there at Lenapah.
Q He was living at Lenapah? A Yes, sir.

Comr Needles: This testimony will be filed with the original testimony of the applicant, and made part of the record in Freedmen doubtful cases #784, #785, #839, #555, #557, #558 and #559.

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J. O. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Bosson

Subscribed and sworn to before me this October 16th, 1901.

Commissioner.

File with Cherokee Freedman, D-784, Rosa Buffington.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of William H. Buffington et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mallette & Smith, attorneys for applicants;
W.W.Hastings and L.B.Bell, of counsel for Cherokee Nation.

GUS BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows;

Mr. Bell: What is your name? A Gus Buffington.

Q How old are you? A About 75 or '6.

Q Your postoffice? A Vinita.

Q Well, this case you are called on is in the application of one William H. Buffington, who claims to be the son of Rock Buffington, a former slave of the Cherokee Nation; now I would like to ask you first if you were acquainted with one Rock Buffington? A Yes, sir.

Q Was he a Cherokee Freedman? A Yes, sir.

Q Where did he live? A Out this side of Maysville.

Q How long did you know that Rock Buffington? A I knowed him from the cardle on up.

Q You were a slave yourself before the war, were you? A Yes, sir.

Q Who did you belong to? A Mrs. Buffington.

Q Who did this Rock Buffington belong to? A Mrs. Buffington, the same family.

Q Did ever you know of Rock Buffington having a wife? A Yes, sir.

Q Did you ever see that wife? A Yes, sir.

Q Well, after the close of the war where did he have this wife?

A Right on the line there at Maysville.

Q Where did you live, in Arkansas or in the Cherokee Nation.

A At that time?

Q Yes, at that time? A I was living in Arkansas.

Q Tell what you were doing there? A Blacksmithing, hired out there

Q Hired out in Arkansas? A Yes, sir.

Q And Rock was living where? A He was living out at my old mistress'.

Q How far was that from Maysville and where was it? A Two miles from Maysville.

Q In Arkansas? A No, sir, in the Cherokee Nation.

Q Well now you say Rock had him a wife there at that time?

A He had a wife there at Maysville.

Q Did you know that wife? A I have seen her and know her name.

Q Well, did you see her while he had her for a wife? A Yes, sir.

Q What was her name? A Martha Miles.

Q Was she a slave at that time? A She was.

Q Do you know who she belonged to? A Her young she belonged to old Miles Miles up there on Honey Creek.

Q How far is that from Maysville? A Just by somewhere near about nine or ten miles.

Q Well up to the war, how long had Rock been married before the war began, to this woman? A Well, as well as I can remember it must have been a year or two years, not over that I don't think hardly.

Q Did Rock and this woman have any children after they married?

A Yes, sir.

Q Well, how long did Rock continue to live with her there, that [illegible] A He lived with her after [illegible] and then he got [illegible].

parated and the next time I heard of them they were in Kansas.

Q Well, when did you next see Reck? A Time of the Wallace Court.

Q Where did you see him? A Right here at this place.

Q Where did you next see his wife, Maria? A I don't recollect seeing her after she was talking to me about trying to get that money.

Q Well, do you recollect seeing her before that time since the war? A No, sir.

Q Well, that was the first time you saw her? A Yes, sir.

Q That was when the Clifton Roll was going on here, five years ago or such? A Wallace roll.

Q Did you ever meet Reck after that, did you ever see Reck any more?

A After that Wallace roll, no, sir.

Q Did you ever see Maria since? A Not that I recollect of, I don't believe I have seen her.

Q Well, did Maria have any children when her and Reck married?

A Reck told me she had two.

Q Do you know anything about their names? A One of them was called Pemberton and the other was called Joanna, a girl.

Q Well, when Reck was here at the Wallace Court, did he have any of his family with him? A Pemberton was with him.

Q Passing as his son? A Stepson.

Q Well, did you have any conversation with Pemberton? A Why I had a little with him.

Q Well you had enough with him to talk with him some, did you?

A Yes, sir.

Q What sort of talk did you have? A It seem you know it was him?

A Well he was here with his stepfather and he wanted me to try and fetch him in before the Wallace Court, and I told him I couldn't.

Q That is, he wanted you to swear he was Reck's son, was that it?

A He didn't tell me he wanted me to swear, didn't say he wanted me to swear he was Reck's son, he just wanted me to swear him in.

Q What sort of swearing would it require? A I would have to swear he was a Cherokee Freedman, and I reckon, and I couldn't do that.

Q Since that time you haven't seen him to know him? A Yes, sir, I met up with her out here to the Clifton Court.

Q Out here at Lightning Creek? A Yes, sir, I have been out there.

Q Some fellow that Reck had here with him? A Same man.

Q Do you know where Reck came from when he came here to the Wallace Court? A Came from Kansas right straight.

Q Now you are certain that this Reck that you met was the old Reck Huffington you were raised with? A I am certain that it was the same Reck, he was my own dear cousin. I reckon I ought to know him.

Q Where did Mrs. Cole live you say? A She lived up on Sand Creek, up southwest there.

Q In Arkansas or the Cherokee Nation? A I think it was Arkansas.

Q She wasn't a recognized citizen of the Cherokee Nation was she?

A No, sir.

Q Well, look around here and see if you can find that Pemberton?

A That looks like the man sitting right over there (indicating applicant). That is the man as well as I can see.

Q This time when you saw Reck after the war was at the Wallace Court, was it? A Yes, sir.

Q Well, did he talk to you then like he had never been here before?

A No, sir, he never talked like he had ever been here.

Q Did you have any particular conversation about whether he had ever been back here before? A No, sir, I didn't have any particular conversation with him about that. He didn't tell them anyhow he ever would come back or not.

Q Do you know where he died? A No, sir, without he died out yonder here. He might have died out here.

Q You never saw him after the Wallace Court? A Never saw him after the Wallace Court.

Q When did you come back to this country? A I came back in 1[illegible]

Q You on the roll of 1880? A Yes, sir.

Q Well, where did you live in 1866? A Lived at Hilderbrand's Mill and part of the time at Maysville.

Q Where did you live in 1867, next year after that? A At Maysville, right up there.

Q Then when did you go to the Grand River? A I moved here in '70.

Q Between '70, the time you came down here, and the Wallace Court, did you ever see Rock at all? A No, sir.

Mr. Smith: Well, you say you haven't seen Maria since the Wallace court? A Not that I recollect of.

Q Don't you know that she was living right up there in the Cherokee Nation close to Lenapah and has been there all the time since the Wallace Court? A I don't know, I have never been to her place and don't know where she is living at.

Q You just mean to say you didn't see Rock Buffington from the time you have mentioned up to the time of the Wallace Court? A No, sir, I never saw him from the time we got separated when the war was coming on up till the Wallace Court.

Q Well now, when did you first see Maria Buffington after the war? A Right here at the Wallace Court.

Q Now didn't you see Maria Buffington when they were taking the 1880 census, or roll? A If I did I don't know it.

Q Didn't you see her on Lightning Creek, or didn't you have a talk with her in 1880? A No, sir.

Q At Lenapah? A No, sir, I had a talk with her daughter, I didn't see her at all.

Q Was that in 1880 you had the talk with her daughter? A That was out here at Lightning Creek, time of the Clifton roll.

Q I am talking about time when the '80 roll was made up, or census taken for the 1880 roll? A I don't know anything about it.

Q You don't remember it? A No, sir.

Q Well now who testified for these people, the Buffingtons, before the Wallace court? A Mr. Bell testified for Rock and I don't know who testified for them.

Q And what children of Rock Buffington's did Mr. Bell testify for? A Mary one that I know of.

Q Do you know that he didn't testify for any of the children? A I don't know only he went in, I wasn't in there, I don't know.

Q Didn't you testify too before the Wallace Court for Buffington? A No, sir.

Q You are sure of that? A I am sure of it.

Q Who else then did testify at that time? A You will have to get somebody else to tell you, I can't tell you.

Q You don't know? A No, sir.

Q Where did you say Rock Buffington lived now before the war? A He lived up near Maysville close to Benton County.

Q In the Cherokee Nation? A Yes, sir.

Q Who did he belong to? A Buffington.

Q What Buffington? A John Buffington.

Q John Buffington a citizen of the Cherokee Nation? A Yes, sir. he was my parent's father, I reckon he was.

Q Now you say that was close to Hilderbrand's; you mentioned something about old man Hilderbrand; what Hilderbrand was that? A I don't know anything about old Hilderbrand.

Q Didn't you mention Hilderbrand, or being near Hilderbrand? A Hilderbrand's Mill, there lived at home.

Q What Hilderbrand is that? A That that we called Hilderbrand is all I can tell you.

Q Was that Mike Hilderbrand? A No, sir, Polly Hilderbrand owned it at that time.

Q Did you ever know a man named Mike Hilderbrand? A I heard of Mike several Hilderbrands, but I don't recollect them now, it was a long time ago, it was before the war I knew them.

Q Will you tell us what was the name of the man that married Buffington? A [illegible]

Q And you say Maria Buffington belonged to a woman named Cole?
A Yes, sir.
Q Where did she live: in the Cherokee Nation? A No, sir.
Q Where? A Living in the State.
Q What state? A Missouri.
Q How far from where you were living? A Nine or ten miles.
Q And you lived how far from Arkansas? A I lived right there, run a shop right on the line.
Q Near what town? A Maysville, Benton County, is where I worked all the time.
Q How far is Maysville from Missouri? A Nine miles to the corner, what it is called.
Q How long had Maria and Reck Buffington been living together, how long had they been husband and wife before the war commenced? A As well as I recollect, about a year or two years, if any longer than that I don't recollect it.
Q Well, if it was any shorter than that do you recollect it?
A No, sir.
Q You don't know much about how long they lived together? A No, sir, not exactly, I can't tell that.
Q Well, where did you hire out, how far were you from where this man lived that owned you? A What owned me, about two miles.
Q Where was Reck, was he hired out or did he stay home? A No, sir, he was at home on the farm and I was blacksmithing.
Q Which was the older of the two children you have mentioned, Joanna or the one you call Pemberton? A Well, I can't tell you which was the oldest one, but I believe Pemberton was the oldest one.
Q Well, you say you knew them there, knew this woman and knew her two children, don't you know which was the oldest, the boy or the girl.
A I never was on the place where they lived at, their mother would go backwards up there and I would just hear them talk.
Q Who did you hear talking? A His mother and his stepfather, about the two children she had when he taken her, that is all I know about it.
Q Well, what did you ever hear Maria Buffington was about the two children she had? A Nothing more than that they were her children.
Q Did she say who the father of them was? A No, sir.
Q Well, you don't know who the father of them was? A No, sir.
Q Don't you know that Reck Buffington died right after the Wallace Court? A Died just after the Wallace Court.
Q Yes? A I remember of his death but I don't know what time he died.
Q Wasn't it right after the Wallace enrollment that you heard of it?
A Why I can't tell you for certainty.
Q Was it been a short time or long time since you heard of it?
A I can't tell you that.
Q Did you hear of it yesterday? A No, sir.
Q Been several years? A It has been two or three years I reckon, maybe longer, maybe shorter, I can't tell you exactly when I did hear of it, he was dead and buried when I heard anything about it.
Q How old did you say you are? A About [illegible] or [illegible] years old.
Q Gus Buffington? A Yes, sir.
Q And you are the only Gus Buffington, a freedman in this country? A The only one I know anything about.
Q Do you state positively that you didn't testify before the Wallace Court in the matter of the enrollment of Reck Buffington and his son and daughter, do you? A I did not.

D. S. Wright, being duly sworn by Commissioner Wallace, testified as follows:
Q Tell us your name and age and postoffice? A D. S. Wright, Muskogee, Ok.
Q Did you ever live at Lenapah? A Yes, sir

Q When did you live there? A I lived there from '89 until '92.

Q What was your business there? A I was agent, Iron Mountain agent, also postmaster.

Q While you lived there, did you become acquainted with one William H. Buffington, the applicant for citizenship here? A Yes, sir.

Q Did you know him personally? A Yes, sir.

Q Is that the gentleman over there; look at him (indicating applicant)? A Yes, sir.

Q When did he go to Lenapah, do you know? A I think he came there in 1890.

Q Was that his postoffice? A Yes, sir.

Q Did you deliver his mail to him? A Yes, sir.

Q That was his name that he would go under as you delivered his mail to him? A W. H. Pemberton, I believe.

Q How long were you there after he came there? A I was there about two years after he came.

Q He passed around the country as Buffington and received mail as William H. Pemberton, is that it? A Yes, sir, that is the way.

Q Do you know where he came from when he came there? A He said he came from Lawrence, Kansas.

Q Did you ever, through conversations with him, learn about how long he had been away from there, or anything of that sort? A No, I don't remember that I did.

Q You don't know how he came there? A No, sir.

Q Whether it was by rail or otherwise? A No, sir, I don't.

Q Are you a Cherokee citizen? A No, sir.

Q You are a citizen of the United States? A Yes, sir.

Q Where do you belong when you are at home? A Nowata.

Q Where are you from? A I came from Kansas to the Territory.

Q How long did you stay at Lenapah? A I stayed there three years.

Q How long after you came there was it before you first took charge of this postoffice, before this Pemberton showed up? A It was about a year.

Q Did he ever change his mail address from Pemberton to Buffington while you were there? A I don't know about that, I don't remember that he did.

Mr. Smith: Mr. Taylor, can you state whether the man you refer to as Pemberton received any mail as Buffington? A No, sir, I don't remember whether he did or not.

Q Don't remember about that? A No, sir.

Q Are there a good many colored people up there or were there at the time you had this postoffice? A Yes, sir.

Q Well two names is a very small number among some of these colored people, for them to have, as a rule? A Why I never knew of any others having two names.

Q Didn't they go by the names of their old masters and their stepfathers and their fathers and everybody else? A I don't know about that.

Q Well a great many of them did get mail under two different addresses? A Why they might.

Q Can you speak of a number of instances where that occurred? A I don't remember of any right now.

Q It has been how long after you were postmaster? A It has been three years.

Q Did you had occasion to know about it at all? A Yes, sir: there may have been other cases but that has I don't remember them now.

[illegible] W. Hill, being duly sworn by [illegible], testified as follows:

[illegible] Are you a citizen, and what postoffice address?

[illegible] W. Hill. 40 years old. Pawhuska. Osage or Nowata.

[illegible] Are you a citizen, where do you live? A I live in Delaware district, Cherokee Nation.

[illegible] How long have you resided in the Cherokee Nation? A Since '90

Q Were you acquainted with the Ridge family of the Cherokee Nation?
A Yes, sir.
Q Who were the original Ridges here in '39? A John Ridge and Wat Ridge and Sarah Paschal.
Q Was that one family? A That was one family.
Q Two brothers and a sister? A Two brothers and a sister.
Q Were there others of the family that you know of? A None.
Q Well, what became of the original Ridges, the old man, John?
A Old man John Ridge he was killed in June. '39.
Q Well, what left what of the family? A Sarah Paschal and Wat Ridge.
Q You were personally acquainted with this Wat Ridge, were you?
A Yes, sir.
Q Well, was he of sound mind, or a crazy man? A He wasn't considered of sound mind, an idiot.
Q What became of Wat Ridge? A Wat Ridge died just before the war.
Q What became of Sarah Paschal? A Sarah Paschal lived in Van Buren, Arkansas, up to about '48, '47 or '8, they moved to Galveston, or Texas.
Q What became of John Ridge's family after he died? A John Ridge's family moved out of the Cherokee Nation into Benton County.
Q Benton County where? A Arkansas; and afterwards to Fayetteville, Arkansas, Washington County.
Q Up to 1860, that is the beginning of the war, '61, did any of these parties ever remove into the Cherokee Nation? A No, sir.
Q Now what became of Wat Ridge? A Wat Ridge died.
Q When? A Before the war, just before the war, two or three years, I don't recollect exactly.
Q Did Wat Ridge have any property that you know of? A No, sir, he didn't have any that I know of.
Q Well, who would have been his heirs under the laws of the Cherokee Nation at the time of his death? A The Paschal family and John Ridge's family were his legal heirs.
Mr. Smith: Mr. Bell, was Wat Ridge a married man or a single man?
A I never heard of him having a wife.
Q How old was he when he died? A He was 50, perhaps or more.
Q What year did he die? A I don't know the exact date, but it was just two or three years before the war
Q How long had it been since you had seen him, at the time of his death? A I can't tell you exactly, but not a great while before he died.
Q Well, give us your best judgment as to the time? A Three years, two or three years perhaps.
Q Who was his father? A Major Ridge.
Q Where did he live? A Major Ridge lived near the mouth or about the south of Honey Creek, Delaware district.
Q In the Cherokee Nation? A Yes, sir.
Q Was this son Wat Ridge brought up in the Cherokee Nation?
A Partly; he was born I guess before he left the old country.
Q Was Wat born? A Yes, sir.
Q He came here with his father, did he? A Yes, sir.
Q They were recognized citizens of the Cherokee Nation were they?
A Yes, sir.
Q Was John Ridge and Wat Ridge before his death in '39 were citizens of the Cherokee Nation, and Wat too, also? A Yes, sir.
Q With his son Wat Ridge he came here with him from the old country?
A Yes, sir.
Q Well, then he was a citizen of the old country too, wasn't he?
A Yes, sir.
Q Well, what members of the Ridge family were living at the time of the death of John Ridge? A All of John Ridge's children were living, the women and children of John Ridge, the [illegible]
Q How many were there? A There was four boys and two girls.
Q Where were they living? A They were living in Benton County, Arkansas, afterwards in Fayetteville.

Q Where were they living at the time Wat Ridge died? A They were living in Fayetteville.

Q All of them? A Not all of them, some of the men had grown up and moved out of the country, Rollin Ridge was in California.

Q What ones of them, if any, where living in the Cherokee Nation at the time Wat Ridge died? A None of them.

Q Where did you say Wat Ridge was when he died? A Wat Ridge died in Delaware district not far from the mouth of Honey Creek.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q And you think he died before the war? A Yes, sir, he died before the war.

Q Are you certain that he died before the war? A Yes, sir.

Q You said something about Wat Ridge being not considered a sane man? A Not of sound mind.

Q Well, he attended to his own business, didn't he? A Well, he had no business qualifications whatever.

Q I am not asking you about his qualifications, I am asking you to state the fact as to whether he attended to his own bysuness or whether somebody attended to it for him? A I don't know anything about that.

Q No court ever passed upon the question of his ability to attend to his own business did they? A None that ever I heard of.

REES GRAVENS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Rees Gravens.

Q How old are you? A I am 43, 43, somewhere along there

Q What is your postoffice? A Vinita.

Q Do you know this applicant who has been applying here for enrollment, who calls himself William H. Buffington? A Yes, sir.

Q When did you first learn to know him? A Well, I have known him to the best of my knowledge ever since '74 or '5, along up through there.

Q Where did you first know him? A Lawrence, Kansas.

Q Was he living up there? A Yes, sir.

Q What name did he go by? A Mr. Harry Pemberton.

Q Did he have a wife? A Yes, sir.

Q Was she living there with him? A Yes, sir.

Q Do you know her name? A I did know her name, but I can't call it positive, I can call her sister's name but I can't call her name.

Q Well, did you know his wife's people? A Yes, sir.

Q Knew her mother? A Yes, sir.

Q What was her name? A Her name, what she always went by, named Mary Reeds, the old lady.

Q Did you know his children? A No, I have seen his children but I wasn't personally acquainted with them by name.

Q Did he have some? A I think the last account when I was up there he had one or two, I wont say for certain but I think he had one or two, I know he had one.

Q Well how long did you know this living there in Lawrence, Kansas? A I knew him in there up till 1896, along in '73 to the last account I know of him there.

Q I thought you said you knew him in '74? A I did when I lived there, I left him there when I left.

Q How long did you know him there? A I knew him all the time along from '73 and '4 all along up to 1896 when I left there. I left there somethin about that time.

Q Well through how many years? A I know him five years. I am positive of that, positive I am acquainted with him through about five years.

Q Well, did you ever see him after you left there? A No, sir. I never heard him till I came here.

Q What was he going by when you saw him down there? A He went by the name of Mr. Buffington.

Q When did you first see him down here? A Out to Hayden's here at the payment.

Q This last strip payment? A Yes, sir, when they first commenced paying I met him there.

Mr. Smith: Well when did you say you first got acquainted with this man William H. Buffington? A Well, I am not giving any positive date but just as near as I can tell you, along '73 or '4, along through there, maybe earlier than that.

Q Or might have been later? A No, it wasn't later than that.

Q How do you know it wasn't, if you don't know when it was? A I say it wasn't later than that, I am positive of that.

Q Now where was it you knew him? A Lawrence, Kansas.

Q I thought you were at Iola? A Well never mind, you ask me and I will tell you how come me there.

Q Were you at Iola? A Yes, sir.

Q When were you there? A I was there, in through there.

Q When you were testifying against some other people you said you were at Humboldt? A Yes, then I said I saw, I have seen them too.

Q How many more places in Kansas have you been? A Have I lived?

Q Yes, where these applicants have been living? A I lived in Iola, I lived in Lawrence, I lived in Topeka a while, and I lived in Wichita a while, in Kansas.

Q That all? A That I made a permanent home, to say from one year to two years, six months.

Q These are the only places where you made the acquaintance of these colored people who now live in the Cherokee Nation? A I have answered you that is all.

Q Are these the only places where you have made the acquaintance of any of these people living here? A That I have testified to?

Q That you have testified to or are going to testify to? A Yes, sir.

Q These are the only places where you were? A Yes, sir.

Q Well, which one of these places was your home when they sent you to the penitentiary? A Lawrence, Kansas.

Q How long were you in the penitentiary? A I was there three years.

Q Well, what other offences have you been convicted of? A I have been convicted of fighting and several cases made for selling whiskey here but I didn't sell it.

Q You plead guilty to it? A Yes, sir, I plead guilty.

Q Selling whiskey here in the Cherokee Nation? A Yes, sir, I plead guilty to make my charge as light as I could, but I didn't sell it.

Mr. Hastings: What were you in Lawrence in the penitentiary for? A I was there for shooting at a man, I was pardoned too.

Commissioner: The testimony in this case will be made part of the record in the cases Freeman D-784, D-785, D-839, D-836, D-837, D-838, D-869, and also filed with the case at bar, D-885.

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Ernest G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the [illegible]

Commissioner.

File with Rosa Buffington C. F. D. 784.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of William H. Buffington et al. C. F. D. 555.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants.

D. S. ALFORD, being first duly sworn by Com'r T. B. Needles, testified as follows: (on behalf of the Nation) (By Davenport)
Q What is your name? A A. S. Alford.
Q Where do you live? A Lawrence, Kansas.
Q What is your age? A 53.
Q How long have you lived in Lawrence Kansas? A Since the fall of '72.
Q Since you have been living in Lawrence did you know a colored man named Buffington? A I was acquainted with a colored man we called Pendlton.
Q What was thefirst name of the man you knew there as Penelton?
A Harry.
Q When did you first get acquainted with him? A In the winter of '72 or '3.
Q What business was he engaged in ? A Barber.
Q Was he running a barber shop in the city of Lawrence? Either running it himself or else worked in a chair in one.
Q How long did he live there after you got acquainted with him? A Until the latter part of——until about '88 or '9, and then I saw him after that at intervals.
Q Did he have a family at that time? A Yes sir he did.
Q Did you know any of his family? A I cant say that I did.
Q You haven't seen this man Penelton since you came down this time?
A No sir.
Q How long since you saw him? A I have no distinct recollection of seeing him since the early 90's: my impression is that I have seen him once or twice since that time, but I am not sure.
Q Do you know his father and mother? A I knew a man named Buffington that was his step father.
Q Did you know his mother? A I cant say that I did.
(By Mr. Smith)
Q What is your occupation? A An attorney.
Q You live in Lawrence? A Yes sir.
Q When did Buffington come there? A I dont know he was there when I come.
Q When was that? A In the fall of '72.
Q When did he leave? A He left—you mean to remain?
Q Yes sir? A I think it was in '88 or '9.
Q In what way do you fix the time? A Only by general recollection.
Q Just by general recollection? A Yes sir.
Q Why then do you say it was '88 or '9 more than '90? Because that is my recollection.
Q He was just a colored man around there wasn't he? A Yes sir that is true, but I knew him well.
Q You had no occasion to recollect when he left did you? A Only by a conversation I had with him as to when he left, but I dont know that that would aid me in recollecting it.
Q You know none of the family by name except this man? A Not by name. I saw his children, but cannot give their names.
Q You dont know if the man you are talking about is the applicant in this case do you? A I know nothing about that, sir.
Q Well, Mr. Alford, testifying from your recollection is that a general way you might be mistaken as to the time he left there, might you not? A Possibly, I think not though.
Q Was any colored citizen of Lawrence could you testify has gone [illegible] he left town? A Not any of our colored citizens

Q With those you had been acquainted with? A I think so if I had been acquainted with them as long as I had with him.
Q Were you better acquainted with him than with any other colored man in Lawrence? A No sir, there were some others that I knew as well.
Q How many were you acquainted with as well as you were with Buffington? A A dozen I should say.
Q Have any of these gone away? A Not among the older ones.
Q You had no acquaintance with Lawrence prior to '78? A No sir.
Q And none with Buffington prior to '78? A No sir.
Q How large a place is Lawrence? A About 11,000 people.

H. S. CLARK being first duly sworn by Capt'n T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A H. S. Clark.
Q Where do you live? A Lawrence.
Q What is your age? A 68.
Q How long have you lived in the city of Lawrence Kansas? A. Since April '57.
Q Did you know a colored man in Lawrence Kansas since you have been living there named Penelton? A Yes sir.
Q What is his first name? A Harry.
Q What was his business there if you know? A After he got old enough it have any business he was a barber.
Q You went there in the spring of '57 you say? A Yes sir.
Q When did you get acquainted with him as a boy? A In the fall of '64, the first I recollect of him being in Lawrence.
Q Do you know his father and mother? A No sir I couldn't say that I knew them, I know where they lived.
Q Did you know their names——did you ever hear him speak of his mother or father? A I heard him speak of his mother owning property with him and I think it was in the fall of '80 he told me that Mr. Hector Buffington was his father.
Q Have you held any official position in that country since the war? A Yes sir I have been Sheriff of the county for six years.
Q Do you hold any official position at present there? A No sir.
Q During the time that you were in office there, do you know where this man Penelton was? A Yes sir most of the time he was living in the same ward with me, same voting precinct.
Q What Ward was that? A Third Ward.
Q Do you know in what part of the city he lived in before he moved there? A We have a north and south Lawrence, he lived on the north side; the Kansas river runs through Lawrence and divides the city.
Q Did he vote and take any part in the elections there? A Yes sir, he was always very active in elections.
Q Did he own any property there? A I know he owned property, he told me it was his. He took me to see the property in '80, he wanted me to buy it and I went with him to look at it, he said that he and his mother owned it together.
(By Mr. Smith: I object to that as being immaterial.
By the Commission- The objection will be noted.
(By Mr. Davenport)
Q During the time you made those races for office, were you ever visited or by persons with reference to making the race? A Yes sir in the fall of '80 I ran for Sheriff; the Republican party there was very strong and they made the nomination of a man for Sheriff who was very objectionable to a great many people especially among the colored people, and a delegation of about twenty came to me, among them was Lucy and Robinson, and they insisted on me running as independent race for Sheriff.
Q Yes, did you run that? A In the fall of '80.
Q And who did you have opposition from Lawrence with reference to that time? A Some other democratic leaders.
Q Was this the last year after '80? A Two sir or two and a half years.
(or been)

Q This man Penelton you are talking about, he voted for you didn't he? A Yes sir I think he voted for me about three times, every time I run.
Q Do you know Rector Buffington? A Yes sir.
Q Where did he live ? A In different parts of the city of Lawrence.
Q Was this man here Rector Buffington's son? A In the fall of '89 when I was running for Sheriff ~~as I~~, Mr. Penelton told me of a number of colored men whom I could count on to vote for me and among them he named Rector Buffington, and I said to him I didn't think he would vote for me as he was too staunch a Republican and he said that he thought he would be all right, that he was his father, that was the first time that I ever heard that, and I said to him "How does it come that he is your father and is named Buffington and you are called Penelton?" and he said "he is my step father.
Q When did you say Buffington or Penelton left there? A I think he left there about '91 as close as I can put it, I know it was not very long after my last election to the Sheriff's office.
Q Have you lived continuously in Lawrence since '57? A Yes sir.
Q When did you first get acquainted with Buffington? A I saw him round, just to speak to him along in the '60's, I was not much acquainted with him.
Q When did Penelton run this barber shop? A I dont know if he run a barber shop himself, I dont suppose he did until in '70's, he used to work there in other barber shops when he was younger, as a janitor until he learned the business.
Q Do you know if the man you are talking about is the same man who has applied here for citizenship? A I haven't seen the man that has applied, I know Penelton told me he was a citizen.
(Mr Davenport)
Q You haven't seen him since you came here? A No sir, the last time I saw him was a year ago at Lawrence, he was on a visit there, and he said he was from the Nation.

. . . . . .

This will be filed in Cherokee Freedman cases, D-555; D-784; D-785; D-839; D-556; D-557; D-558 and D-559.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24th of October, 1901.

C. H. Streetmire
Commissioner.

File with case of Rosa Buffington, C.F.-D.#784.

Supl.C.F.-D.#555.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM H. BUFFINGTON, ET AL., as Cherokee Freedmen, introduced on part of applicants;

APPEARANCES:

Applicant present in person and by Attorneys, Mellette & Smith;

Mr. W. S. Davenport, of Counsel for Cherokee Nation.

Mr. Davenport: The representatives of the Cherokee Nation object to any further taking of testimony in the original application until the Nation has closed its case of putting in testimony on behalf of the Nation.

Com'r Needles: The objection will be noted.

MARIAH BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

M. MELLETTE: What is your name? A Mariah Buffington.
Q Where do you live? A I live here in the Nation.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know this man (referring to applicant)? A Yes, sir.
Q Who is it? A It is my son, Buffington's son; he is Rector Buffington's son and my son.
Q What child is he, is he your oldest child or youngest, or how is that? A He is my youngest.
Q How many children did you have? A Two and I don't want any more either.
Q Were you and Rector Buffington married? A Yes, sir.
Q Were you married before the war? A Yes, sir.
Q How long before the war do you think? A I don't know exactly, but I guess it was as near as I can; about 15 or 16 I reckon.
Q 15 or 16 years? A Yes, sir.
Q How old are you? A Well, I can't tell you.
Q About how old are you? A I can't tell, but I am up in 60.
Q Somewhere in 60 years old A Yes, sir.
Q Do people tell you how old you are? A Well, A. Bennett knows as near as anybody I know.
Q What did he say? A He said I was in 60.
Q You are somewhere in 60 years old now? A Yes, sir; I never had no learning.
Q You say this applicant here is your son by Rector Buffington? A Yes, sir.
M. MELLETTE: How old is that applicant? A I don't know.
Q Do you know when he was born? A Yes. I knew when he was born, but I could not tell you now.
Q Was he born before or after the war? A Long before the war.
Q How big was he when the war broke out? A He was up big enough to be doing by and I had to stay him to keep him down.
Q Well, there was he when the war broke out? A He was with me.
Q Where was you? A My home down Hickory creek.
Q Didn't you move there from, what county? A I was born in the Nation; I didn't have land in the Nation only about 4 rods off.
Q Then did you run off? A In time of the war.
Q Well, where did you go? A I went in the woods and then we went back on to Kansas.
Q Well, what part of Kansas did you get? A Wichita, I don't know; somebody told you.

Q You don't remember what place you went in Kansas? A Yes, I do.
Q Well, what place was it? A To Law-
Q Lawrence, wasn't it? A Yes, I can't remember.
Q You stayed at Lawrence how long? A I don't remember.
Q Don't you know when you left there? A Yes, they came and told me the Indians all coming back.
Q Well, when did you come back to the Cherokee nation after the war? A I come back two or three times, I could not tell you.
Q How long did you live at Lawrence after the war? A I don't know.
Q How long did William H. Pendleton live there? A What Pendleton?
Q That man there (referring to applicant)? A That is not Pendleton.
Q When did William H. Buffington come back? A He come when I come.
Q Did this applicant to your knowledge ever work at the barber's trade? A Yes, sir.
Q He was a barber along in '65 and '6 wasn't he? A No, not in '65.
Q Well, in '66? A Yes, sir.
Q He was working in Lawrence at the barber's trade in '66? A Yes, sir, and he broke it up in '66.
Q He was working in '82 at Lawrence at the barber's trade wasn't he? A I don't know.
Q Where was he to your knowledge in '82, that is about 20 years ago? A I don't know.
Q He was not living with you, was he? A No, he was living to himself.
Q Where was he living? A He married.
Q He married in Lawrence, Kansas, or near Lawrence? A About that time.
Q He married earlier than '82 though, didn't he? A I don't know.
Q Well, he didn't come to the Cherokee Nation when you come?
A Yes he did.
Q Didn't you come before '82? A I come once by myself.
Q And you went back to Kansas? A Yes.
Q And when did you come the next time? A I come back; I didn't stay long.
Q Well, did you ever know that man, the applicant in this case, to go by the name of William H. Pemberton, or Pendleton, in Kansas?
A That was his nickname.
Q He went by that name Pemberton or Pendleton? A They called him first one name and then another, they had him nicknamed first one name and another.
Q He was a barber at the time they nicknamed him? A I don't know; he was a barber.
Q Now, Auntie, when was the first time this applicant, he he who he may, first moved to the Cherokee Nation to live? A He come back--let's see, I come; he come with me in '66 and we all went back and then we come back again and Buffington took sick and then I went back with him and then I come back to stay myself and then he come--went his wife down, and then he come, but I think that was in-
Q What date was that? A I think that was '68 or '69, I forget which.
Q Will when you came to the Cherokee Nation the last time there was this applicant? A He he was dead quite a[illegible] [illegible].
Q Did you south of Gutherville, Kansas, in the Cherokee Nation?
A I don't know where it was.
Q Now, he moved from Lawrence, Kansas, to Gutherville, or near Gutherville; when he left Lawrence he moved down to near Gutherville, Kansas, in the Cherokee Nation? A Does that

Q I say when he left Lawrence the last time he moved down to near Coffeyville in the State of Kansas or Cherokee Nation, didn't he
A I don't know.
Q Where does he live now? A He lives not far from Lenapah.
Q He lives between Lenapah and Coffeyville, in the Cherokee Nation?
A Yes, sir, he lives there.
Q Have you ever been to his place? A I live there.
Q Now, Auntie, you lived near Coffeyville, Kansas, first? A Sometimes they tell me and I count down this way, and I don't know one from the other, when I hear trains running-
Q When William Buffington, or Pemberton, or Pendleton, whatever his name is; didn't he come down in the Cherokee Nation right near where he is living now? A He has been living here all the time.
Q When he left Kansas didn't he come down to where he is living now?
A He has been living there where he is living now all the time.
Q He didn't live there when he lived in Kansas, did he? A No, sir.
Q You don't know of his being called Pemberton or Pendleton up in Kansas? A I don't care what they calls him.
Q Where is your husband now, is he living or dead? A He is dead.
Q Where was he living when he died? A He was, I took him up the creek, I forget the name.
Q Well, it was up in Kansas there, wasn't it? A No, sir.
Q Didn't your husband die in Kansas? A He didn't get in Kansas and died, but the Masons too k him and burried him.
Q His name was Rector Buffington? A Yes, sir.
Q When were you and Rector married? A Before the war.
Q Before or after the applicant was born? A Will you allow me to talk a few minutes to this man?
MR. MCALISTER: No, he wants to know whether you were marri ed to Rector Buffington before William H. Buffington was born or not?
A I was married before.
MR. DAWSEPOKY: Where were you living when he was born?
A Living on Honey creek.
Q With were you living with? A Living in the house with Aunt Diana and Uncle Peter.
Q Aunt Dinah and Peter who? A Ridge.
Q Where were they living when he was born? A Over there.
Q Who did they belong to? A Ridge.
Q Who did you belong to? A Ridge.
Q Which one of the Ridges? A I belonged to John Ridge.
Q Well, how long had John Ridge been gone to California before the war broke out? A He was killed.
Q He was killed here before the war? A Yes, sir.
Q You didn't belong to John Ridge then before the war?
A They willed me to a boy, belonged to a boy.
Q What was his name? A Watt.
Q How far did you live from the Carey place on Honey creek?
A I don't know.
Q Did you know where that place was? A Yes, sir.
Q You have been living up there in the Cherokee Nation since you moved down? A Yes, I have been living there. I came down first I came down and build me a house and I have got my farm yet.

W. H. Buffington, the applicant, called and sworn by commissioner Boulton, testified as follows in the Cherokee Nation:
MR. MCALISTER: What is your name? A W. H. Buffington.
Q And you are the applicant in this case? A Yes, sir.
Q What relation was the old lady who has just left the stand to you?
A She is my mother.

Q Were you present the other day when the Cherokee Nation offered rebuttal testimony in this case? A I were first but I wasn't when Tittle was on the stand.
Q Well, now, J. M. Tittle, testified he secured a permit for you to live here in the Nation near Lenapah some time about the year 1890 or '91, what have you got to say about that? A I saw that Jim Tittle undertook to try to make me get a permit. I were in Lenapah very near two years before Jim Tittle ever moved there, and James Tittle came to Lenapah; I told-
Q You need not tell what he told; you say he tried to make you get a permit? A Yes, I rented a room fro m him; I bought it first in Tittle's place, and then I rented a room from him and he said all the damn negros that was up there, that he was going to move them out, that he was going to sell their places; he advertised other places and George Lane and all of them up there, he advertised my place; he said I would have to get a permit if I had to stay in the town and I said I would get no permit and I am a citizen in this country , and he says God damn you you won't get the tools if you don't get a permit; Jim Tittle got my tools and locked them up and I could not get them and from that time men was just gathered, about three hundred--Ed Adair was the Sheriff--and they was going to kill him, that is the truth and organized about three hundred and we was in army for him to come by the lane--Ed Adair came up there and they excorted him to keep the men from shooting him, and he said-

Mr. Davenport: I object to what he said.

Q Did the authorities agree that you should not get a permit?
A Yes, sir.

Mr. Davenport: I object to that, it is not competent.

Com'r Needles: Note the objection and go on.

Q Did you compalin to the Indian Agent of the conduct of Tittle?
A Yes, sir, I complained to Agent Bennett.

Mr. Davenport: I object to that and what Agent Bennett said.

A I received a letter from Agent Bennett.

Mr. Davenport: I object to what Agent Bennett said.

Q Is that the letter? A Yes, sir.

Mr. Davenport: I object to any letter from Agent Bennett, for he was not a citizenship court and had no right to admit or deny a citizen of this Nation, or any other Indian Agent to admit or deny any citizen as a member of any of the Five Tribes in the Indian Territory.

Mr. Mellette: I file this, a letter of Indian Agent Bennett, dated September 14th, 1891, to the applicant here.

Com'r Needles: Same will be filed.

Q Did you hear Sim Rogers' testimony as a rebuttal witness against you? A Yes, sir.
Q What did Sim Rogers testify to in your case? A If I mistake not he testified to

Mr. Davenport: I object to what he said;if it is any part he could you want to contradict him-

Witness: I am going to contradict him; Sim Rogers at that time was in Kansas City counting from bootlegging whiskey, Jim Rogers and Rufus Colbert was after him and he was in Kansas City from selling whiskey.
Q At what time do you mean? A He stayed in '87.
Q '87? A Give me the date of that letter, in '87, well, now, it was somewhere the time of this letter, in the about two years after this letter I counted from, I mean after Agent Bennett ordered him to keep he almost persisted in trying to make me get a permit.
Q What do you mean by about what was two years after that?

A After I came to Lenapah.
Q You were at Lenapah when Agent Bennett wrote you that letter wasn't you? A Yes, sir.
Q What do you mean to say took place two years after that? Two years after that Sim Rogers was in Kansas City scouting. That is what I meant to say.
MR. DAVENPORT: Bill, how do you know it was two years after that he was in Kansas City scouting? A Well, I was right there.
Q You were in Kansas City yourself? A No, sir.
Q How do you know? A That fellow said he went.
Q You don't know it was two years after that time? A Yes, sir
Q When did Rufus Cannon first come up in that country about Lenapah? A I can't tell you.
Q Don't you know that Rufus Cannon never went up there until George Crump was appointed Marshall? A I don't know.
Q Was he a marshall before Col. Crump was appointed Marshall?
A I don't know.
Q Were you living up in that country when Rufus Cannon went up in that country up there? A Yes, sir, I first remember because I got acquainted with Rufus Cannon and he told me he was living about Nowata.
Q About how long had you been living up here when you got acquinted with him? A A long time ; I livedthere before Jim Tittle went there.
Q When did Jim Tittle go there? A I think Jim Tittle come there in '91.
Q About how long had you been thorebefore Jim Tittle went there?
A I was there about two yearsbefore Jim Tittle come there.
Q Where did you go from to that poi nt? A What town.
Q To Lenapah I believe you said? A Yes, sir.
Q Now, where did you come from when you went to Lenapah?
A I moved from to Lenapah, where did I come from?
Q Yes, sir. A I come from over there to Littleston's.
Q Where was that? A That was about two miles from Lenapah.
Q Now how long did you live over there;about Granson Littleston's wasn't it? A Yes, sir.
Q Now, about how long had you been living over there about Granson Littleston's? A About six months.
Q Where did you go from when you went to Granson Littleston's?
A Lawrence, Kansas.
Q Now, when you came down to Grandson Littleston's how did you come, on the railroad or wagon? A By wagon.
Q Now, when you came to Granson Littleston's was the Missouri-Pacifb railroad running? A Not when I come it wasn't; they hadn't the road completed; I came to Grandon's before that and bought a place from Ganson before that railroad was completed.
Q Now, how long before that gt road was completed before you came down and bought that place from Ganson? A They was working on the railroad.
Q Now, that was the first time you come down preparing to move?
A No, sir.
Q Had you come down before that? A Yes, sir.
Q Had you come down preparing to getting a place and moving before that? A Yes, sir.
Q Now, when was that? A When I came to the Wallace Court.
Q That was the first time you had ever been down here looking about moving? A Yes, sir, that was the first time I had been down here since 1870, no, not 1870, eighteen, but we got it right, 1870 I came down and went back and kept back, didn't stay very long and went back, got back sometime about '80, about '81, probably in '82, I came back and I never came back here for good since '82 until the Wallace court.
Q You were living in Kansas? A Yes, sir.
Q And came down to enroll at the Wallace Court? A Yes, sir.
Q And went back to where your family was in Kansas? A Yes, sir.

Q You were running a barber shop in Kansas at that time, wasn't you?
A Yes, sir.
Q You know a fellow by the name of Smidth that lives near Coffeyville that spells his name Smidth? A Yes, sir.
Q You know Joe Smidth in Lawrence? A Yes, sir.
Q He knew you when you run a barber shop? A No, sir.
Q Did Joe Smidth know you by any other name besides Buffington?
A They called me, in my application I said they called me Pendleton sometimes and they called me Sambo and I told you I went by them names, that is admitted; I expect to have Joe Smidth here in this case.
Q You met Joe Smidth in Coffeyville, Kansas, about a year or little more ago; didn't you? A I was at Joe Smidth's house last Sunday a week ago.
Q It was in Coffeyville, Kansas, after he came from Lawrence, the first time you met him? A No, sir
Q Where did you meet him? A I met him several places.
Q Didn't you meet him there in Coffeyville and didn't he meet you and call you Pemberton? A No, sir.
Q Didn't you say at that time that I am down in the Nation that my name is Buffington now? A No, sir
Q If that didn't take place there is no use arguing it?
A No, sir, that ain't so.
Q Didn't you move down in the country when the road was grading in?
A No, sir.
Q You moved to Gransen Littleston's? A No, sir.
Q Now, when did you move to Gransen Littleston's with reference to the time they built the road through there? A I moved there
Q The road was running and completedwhen you moved there?
A No, sir.
Q How long had you been there? A The train was moving, x that I moved here, you mean after mother came down here? A I ain't asking you about your mother, you were a grown man then? A Yes, sir.
Q How old are you now? A I am about 51 or 52 years old.
Q You lived by Gransen about six months before you moved to Lenapah? A Yes, sir.
Q You had been at Lenapah when Jim Tittle came there and Jim Tittle came there about '91? A Yes, sir.
Q And then you got over to Gransen's about the latter part of '88 or early part of '89 didn't you, if you stayed two years and six months before '91? A I don't understand that; I said to you that I came to Gransen's, I was there about two years before Jim Tittle came there.
Q You said you had been at Lenapah about two years before Jim Tittle came? A Yes, sir, you asked me how long I stayed there and I was about a year.
Q How long had you been at Gransen's before you purchased that place, before you went to Lenapah. (Mr. remember.)
Q After you moved from the Gransen place how long before you went over there to work? A I moved out on my place there.
Q How long did you stay at Gransen's before you moved on your place
A About a year.
Q Then you moved on the place how long before you got this shop up there from Jim Tittle? A About a year I guess.
Q You had been down in the Cherokee Nation about two years before you got this shop from Tittle? A Yes, sir.
Q When was it you got this shop from Jim? A Shortly after he came.
Q About the time this letter was written? A Yes, sir.
Q How are you had been there about two years before '91, what was there at Lenapah, the there a little town? A Built up there at all until that railroad came there, when that railroad was building there, there wasn't anything there.

Q Where was this shop of Jim Tittle's? A Jim Tittle built his house, built a store house at the same time he put a fence around Granson's.
Q I want to know where this shop was located? A Right close to Granson's.
Q I wanted to find out what place? A It was at Lenapah.
Q Now, was there a town there, was it Lenapah as a town, or what was the circumstance of your calling it Lenapah, was there a town there or what was it? A At that time; yes, sir , it had been made a station and when Jim come there the depot was there; the Depot was built there--Granson had a little store out there, and Jim come and put a six wire fence around it.
Q That was in '91? A Yes, sir.
Q And you had been down there two yearsbefore that? A Yes, sir.
Q Now, this railroad went through to Coffeyville, Kansas, in the winter of '88 and '89 didn't it, Dill, and they began to run trains on it? A Yes, sir.

MARIAH FRENCH, being duly sworn by Commissioner Needles, testified as follows on part of Applicant:
MR. MELLETTE: What is your name? A Mariah French is my name.
Q Where do you live, Mariah? A I live two miles east of Lenapah.
Q How long have you lived there? A 35 years.
Q Same place? A No, sir, not the same place, but in about two miles of the same place.
Q Are you a Cherokee Freedman? A No, sir.
Q You are a state raised woman, are you? A Yes, sir.
Q Well, what year did you come to the Nation after the war? A We came there in '66.
Q You know this applicant, William H. Buffington? A Yes, sir.
Q What year did you first see him in the Nation after the war?
A In the fall of '66.
Q Where did you see him? A I seen him pass through there.
Q Where? A He came there, down to my house him and one more man and got some corn from us.
Q Well, have you known him since he has lived up there at Lenapah?
A Yes, sir.
Q What do you know about a conversation between he and Jim Ti ttle about he getting a permit; I wish you would tell all you know about that.

Mr. Davenport: I object to that, it is immaterial.
Com'r Needles: Objection will be noted and the witness will answer.

Q Then state what you know about him getting a permit there.
A I was there one evening when Mr. Buffington had Mr. Tittle's side room for a barber shop.
Q Where was that? A Lenapah and Mr. Tittles come and and said Buffington I want you to sign this paper and Buffington said what was it and he said it was a permit, and Buffington said I don't want no permit, I am claiming a citizen the same as you are and Tittle said if you don't get a permit you can't stay in there and Buffington said he would not do it, and I went home.
Q Was there any controversy between the colored citizens and white people? A I

Mr. Davenport: I object to that, it is immaterial, and does not tend to prove any issue in the case.

Q Was there any controversy between the white people and colored persons? A Yes, sir.
Q What was the cause of the trouble? A They had quite a trouble there; there was three or four hundred men in camp and Mr. Tittles was claiming to sell off those peoples' places, him and Mr. Ed Adair was Sheriff, going up to sell those places and they did sell Mr. Buffington's place, and put Mr. Buffington's things all outdoors and nailed up the doors.
Q What place was that they sold? A Buffington's place was Northwest of Lenapah there, hardly two miles and and Creekmore, after they

nailed the door up took an axe and broke the door down.

MR. DAVENPORT: Were you there? A Yes, sir, I was there.

Q When was that? A If I mistake not I think it was in '89, '98 I think it was.

Q Well, '89; Mariah, it was '91, wasn't it; it was while Ed Adair was Sheriff? A Yes, sir.

Q Now, then, the railroad was built through there atthat time?

A Yes, sir.

Q How long had Buffington been running a shop there in town?

A I don't know.

Q He didn't put in a shop before the road came through there?

A Yes, sir.

Q What was there before the road was run through there? A I had a store there, and Buffington had a barber shop on the side rock to my brother's store; this was a little trading post then.

Q How long had Buffington been living there at Lenapah before this transaction took place? A I don't know.

Q You know what year he came there? A No, sir.

Q When did he move to your brother's place, Granson Littleston's?

A He never did live there, he tended some land there.

Q When was it he came to Granson's place you say? A The year before the Wallace Court.

Q He made a crop at the Granson place the summer before the Wallace payment? A Yes, sir.

Q Do you know that time the payment was? A I don't know.

Q Do you know anything about when Buffington run a barber shop in Kansas? A No, sir.

Q Did you know him in Kansas? A Yes, sir.

Q When did you see him? A In '66 when I came from there.

Q Had you known him before the war? A No, sir.

Q How large was he in '66? A As large as he is now.

Q A grown man? A Yes, sir.

Q And then you saw him when he came to this country with some other man in '66? A Yes, sir.

Q Who did you come to the Cherokee Nation with? A My father.

Q What was his name? A Stephen Littles.

Q Where did you locate? A Right close to the mouth of the creek, of Snow creek.

Q Who were your neighbors when you located on Snow creek?

A The Osages.

Q Who were your neighbors after the Osages went away? A There was Woodson Love and old man Love.

Q How long had you been there when old man Love moved up there?

A I don't know, they was out first neighbors.

Q You don't know where Buffington here was going when he stopped and got some corn? A Yes, sir.

Q You had been here long enough to make some corn? A Yes, sir. We came there in April and he came in September.

Q How did you happen to come in April? A My stepmother claimed a right there and she was coming home.

Q She came back here before the war closed, you say she came in April? A Yes, April '66, on the 19th day of April.

Q She heard of the treaty before she came? A Yes, sir and she was coming home.

Q Now, anyway you came the April after the treaty was made?

A We came in '66.

Q Had you heard of the treaty before you came? A I didn't know anything about the treaty, I was 13 years old.

Q And Buffington was an old man? A He was as large as he is now.

Q Did you ever hear him by any other name besides Buff? ought?

A I don't think

Q Did you think Buffington didn't come to that country there before a short while before he moved to Lenapah? A Just to the time I came of him.

Q You had never been back up to Kansas where he lived? A No, sir, never been back before I came here.
Q What kind of a farm did you have there in '66, on Snow creek, your family? A They had a small farm when we first came there, the Osages had patches up there on the creek, two or three acres and we cleared up those patches.
Q How large a place is that, how much in the Cherokee-? A It is a good big place.
Q How far from the Kansas line? A I guess i t might be ten or 12 miles.

MR. MELLETTE: Where was Buffington going when he pased your place up here in the Cherokee Nation in 1866? A He said he was going to Fort Gibson.

MR. DAVENPORT: Who said he was going to Fort Gibson? A This man said he was going to Fort Gibson.
Q How old were you then? A I was 13 years old, when I came here.
Q How old were you in 1866? A I guess that made me about 14.
Q You hadn't been here a year before this took place? A No, sir, we came here in April and this was in September.
Q What made you remember you came in April? A We noticed everybody come in.
Q Was there any road leading down by Snow creek going in, road at all going towards Fort Gibson? A There was an old trail up there, cattle trail, and we just lived two miles from the trail and all those people th t come here we cooked for them and they graxed their cattle.
Q Well, when you saw Buffington was it after or before old man Love lived in there? A It was before, he had been farming for a man by the name of McDaniel.
Q You had never seen Buffington before you saw this man when he came in there? A I saw him in Lawrence.
Q He was running a barber shop? A I don't know what he was running.
Q There was a great many coloredpeople at Lawrence at that time? A Yes, sir.
Q Do you remember all you saw? A I remember about all I saw because the people I went to see was people I knew.
Q You were coming to this country? A Yes, sir? we was moving.
Q When did you next see Buffington after '66, as you claim?
A The next time I saw him was right up here on the hill, we was coming to the Wallace enrollment and we camped on Cabin creek.
Q Well, you had a conversation with him at that time, as to where he had been? A No, sir
Q You hadn't seen him before '66? A We was camping there and he said I am going to eat and smell the coffey, and we loaded up and came on up here to Cabin creek.
Q You hadn't seen him now since '66 at that time? A No, sir.
Q And you didn't have any conversation about where he had been?
A No, sir, my father and mother was talking and I never put in when mee was talking.
Q You did the talking when he got the corn up there? A No, sir, he come up and said I want some corn just like any other man would say.
Q Was he a witness in your case? A No, sir, he ain't.
Q Now, when did you next meet him after the Wallace payment?
A The next time I seen him he moved to town.
Q Now, when was that with reference to the Wallace payment?
A I was living there.
Q And he been living up there a year when you saw him? A Before the Wallace payment he moved down and in the Wallace payment he was living there.

MR. MELLETTE: Now, Marish, you are an applicant by reason of the fact that you married a Freedman in Oklahoma? A Yes, sir, I married William Dennis in '73.

Q You don't claim any right by virtue of being a slave in this country? A No, sir. I never was a slave.

DAVID MARTIN, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

MR. MELLETTE: What is your name? A David Martin.
Q Where do you live? A I live in the Cherokee Nation.
Q Do you know William H. Buffington, the applicant here?
A Yes, sir.
Q How close do you live to Lenapah? A I live about six miles.
Q Do you remember a controversy between James M. Tittle and this applicant they had o ut there at Lenapah? A Yes, sir.
Q Do you know whether this applicant got a permit under Tittle there

Mr. Davenport: I object; the records will show if he did/

Mr. Mellette: That is what Mr. Smith said when Tittle testified he got a permit.

Com'r Needles: Note the objection and answer the question.
A I don't know that he got any; he had a barber shop and everything locked up trying to make him get one.
Q You don't know of his getting one? A No, sir, I don't think he did because I learned afterwards-
Q Was there any trouble there between this man and Tittle?
A Yes, sir.
Q What was it? A They had quite a fuss there, and shut up his shop and took his things out of his shop and put them in the hotel, the back of his store there to keep hi m from ussing them and he come up there one day and got after him and shot at him and run him off from the town.

MR. DAVENPORT: Were you there, Dave? A Yes, sir, I was looking at it and had me chained up.

MR. MELLETTE: They shot at Buffington? A Yes, sir.
Q What did they shoot at him for? A I don't know; they saw him come up and they got a crowd and shot at him and he run his horse off.
Q Was Tittle in that crowd? A John McDaniel, or Jim, one that got killed here at Claremore.
Q What did they have you chained up for?

Mr. Davenport: I object to that because it is immaterial.
Mr. Mellette: All right I will withdraw it.

MR. DAVENPORT: You are an applicant for citizenship yourself?
A Yes, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar, and also Freedman doubtful cases #784, #768, #639, #666, #687, #836, and #869.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 26th, 1906.

Commissioner.

File with C. F. D-784.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1902.

In the matter of the application of William H. Buffington et al for enrollment as Cherokee Freedman.

SUPPLEMENTAL TO F. D-555.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas.
Q How long have you lived at Lawrence, Kansas? A About 34 or 35 years I think.
Q When did you first move to Lawrence, Kansas, or about what year? A I come to Lawrence, Kansas, about '66 or '67.
Q When you went to Lawrence, Kansas, or after you went there, did you get acquainted with a colored man by the name of William Buffington? A Yes, sir.
Q Where was he living at that time? A I don't remember just where he was living at that time; but he was living in Lawrence; I don't know whether he was living on the north or south side.
Q Do you know whether or not he had a family? A Yes, sir, he had a family.
Q Do you remember any of his children's names or did you know any of their names? A I know the children, but I can't call all their names.
Q Can you remember any of them? A Yes, sir, one of the girls was named Maggie, one was named Rector, the boy, one was named John, one of the girls was named Bettie, but I don't know what her other name was.
Q Did William Buffington and his family ever move away from Lawrence, Kansas? A I think they moved to Ottawa.
Q Well, did they leave your neighborhood and go away? A Yes, sir.
Q About how long did they stay in your neighborhood after you got acquainted with them before they moved away? A Why I should judge it was something near eight or ten years.
Q Did you ever work with or near William Buffington? A Yes, sir.
Q Where were you working at that time? A I worked with him on the farm at Lawrence.
Q That was after you had moved over to Lawrence was it? A Yes, sir.
Q Do you know where he went, he and his family, when they moved away from Lawrence, that is, of your own knowledge? A I don't know, but I heard that they had moved to Ottawa.
Q Have you ever seen him since he moved away from there? A No, sir.
Q And after you got acquainted with them they lived in that neighborhood or hung around there for something like seven or eight or ten years? A Yes, sir, something like that.
Q (MR. DAVENPORT) What year did you move to Lawrence? A I came to Lawrence in either '66 or '67.
Q Don't you remember which year it was? A No, sir.
Q How old are you now? A 56, I'll be 57 in July.
Q You don't remember what year it was you moved to Lawrence? A No, sir.
Q How long after you got there did you get acquainted with William Buffington? A Well, it wasn't very long after I came. It was

during that year that I came.
Q You can't remember definitely the months or anything of that sort? A No, sir.
Q You don't know where Buffington was in '66, do you? A Not for sure because I don't know that I was in Lawrence in '66.
Q Well was he a white man or a colored man? A He was a colored man.
Q His name was William Buffington was it? A Well they called him Rock Buffington, I don't know whether his name was William.
Q He went by the name of Buffington? A Yes, sir.
Q Did you ever hear him go by any other name? A Well, If he did I don't remember it; always called him Rock Buffington.
Q When you first got acquainted with him up there he went by the name of Buffington? A Yes, sir.
Q And you got acquainted with him sometime probably in '67 or '68? A Well I think it's pretty sure that I come there in either '66 or '7. I got acquainted with him shortly after I come to Lawrence; don't know which one of the years it was, but it wasn't very long after I come there until I knew him.
Q Well can you swear at this time that he was continuously there after you got acquainted with him till he moved away? A Why I can't swear that he just stayed there all the time, but I know that he was there for a number of years, but I don't know.
Q You saw him there for a number of years; you can't say whether he would go away awhile or not? A No, sir.
Q Well how far is Lawrence from the line of the Indian Territory, Cherokee Nation? A Well, that I'm not able to say. I don't know how far it is, I've never heard just how far it was.
Q What county is Lawrence in? A Douglas.
Q How close is it to Parsons? A Parsons, Kansas?
Q Yes, sir. A I'm not able to say that either.
Q Well what town is there immediately south of Lawrence? A Ottawa. There are little towns south; Ottawa is the first one that's any size.
Q Do you know where Coffeyville is? A I never have been there.
Q Is Coffeyville south of Lawrence? A Yes, sir, a little southwest I think.
Q How far is Lawrence from Coffeyville? A I don't know; they say it's 141 miles.
Q Well, did you stay there in Lawrence continuously after you moved there? A After I moved there?
Q Yes, sir. A No, sir, I was in and out at different places.
Q You went to Colorado didn't you? A No, not then I didn't.
Q When did you go to Colorado? A I have been to Colorado in the last seven or eight or ten years several times.
Q Within the time that you say Buffington lived there in Lawrence you were out of Lawrence a good part of your time, were you not? A Yes, sir, I was out, backwards and forth.
Q Where would you go? A Sometimes I would go down in Missouri.
Q How long would you stay in Missouri? A Three and four months, six months sometimes.
Q Of course while you was away you don't know where Buffington was? A No, sir, I don't.
Q You are a single man? A I was then.
Q Where would you go besides Missouri? A Well, I would go around sometimes back down to where I used to live, I had brothers down there, and stay there probably two or three months.
Q Did you work away from Lawrence? A Yes, sir.
Q What would you do? A Well sometimes I would work on the railroad, most of the time on the railroad.
Q When you didn't see this man Buffington there continuously after you got him up there? A Oh, I seen him quite often.

Q Quite often; but I mean you didn't live right near him all the time and watch him all the time? A No, not all the time; I wouldn't watch him; wouldn't be around; I would see him at church a good many times.

MR. DAVENPORT: Now when you would go away, when you would come back you could find this man Buffington there? A Yes, sir.
Q Did he have any children that went by any other name than Buffington, or did you know of any? A I think he had a stepson by the name of Emberton.

CONSENTING: This testimony will be filed with and made a part of the record in the following Cherokee freedman cases: D-784, D-785, D-[illegible], D-806, D-807, D-[illegible], D-[illegible], and in D-555, the case at bar.

Arthur G. Grosinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grosinger

Subscribed and sworn to before me this 26th day of April, 1906.

[illegible]
Notary Public.

To be filed with Cherokee F.D.
784

C . F. D. -559

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 28, 1902.

In thematter of the application of Georgianna Reeves for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-559.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

~~HATTIE DRAKE, being first duly sworn, testified as follows:~~

MR DAVENPORT: What is your name? A. Hattie Drake.
Q. Where do you live Mrs. Drake? A. Live in Lawrence, Kansas.
Q. How long have you lived in Lawrence, Kansas? A. I came the same year of Quantrell's raid.
Q. You have been living in and near there since the close of the war, have you? A. Well, I lived there awhile, lived in Ottawa a while.
Q. Well, while you was living at Lawrence, Kansas, at the close of the war did you know a family of colored people that went by the name of Buffington?
A . I knowed Uncle Rector and Aunt Mariah Buffington.
Q. Do you know whether or not they had any children with them when your first knew them? A. There was a young man, a young lady that lived there, I don't know whether there was other children or not.
Q. What was their names, do you remember? A. One was named Johnanna, I think she went by the name of Johnanna Pendleton, and the boy went by the name of Harry Pendleton.
Q. Well do you know what become of the girl, the one now you think was Johnanna? A. That is, do you know whether she ever married or not? A. I don't know that she did; I heard that she did.
Q. Well what became of Harry Pendleton as you knew him; do you know whether or not Harry Pendleton is still living at Lawrence?
A. Why, no, sir, I guess not; I haven't seen him there lately.
Q. How long since you say he lived in Lawrence? A. It's been quite awhile, I don't pretend to give no dates to these things, but as well as I can remember it must have been 16 or 17 years ago.
Q. Did you ever learn who the girl that was living there and went by the name of Pendleton and married, what was her name after she was married? A. Why I don't know, I didn't see them married; but I heard she married a man by the name of Reeves.
Q. What became of Rector Buffington, if you know, did he move away from there, or did he continue to live there till his death? A. He died there so I heard.
Q. Do you know what became of Mariah his wife, whether she's still living or whether she moved away? A. Why I heard she moved away.
Q. Now what is it that makes you think that Pendleton or Harry Pendleton was there, they were living there about ~~sixteen~~ sixteen or seventeen years ago; is there anything that makes you remember that? A. I could not exactly tell you whether it's been that long or not; but Mr. Harry Pendleton, he kept a barber shop in Lawrence, and I have been by and around his place of business.
Q. Well, you remember any circumstance about how long ago it was since Aunt Mariah was there, or that he , with reference to the birth of our children or anything of that kind? A. Well, I couldn't tell just exactly how long it's been, but I have a sister that could tell you.
[redacted] I object to that her answer said; I object to that as

a
body said.
MR. DAVENPORT: Well what 's your best knowledged as to when they left there if they left there at all, Mrs. Drake? A. Aunt Mariah?
Q. Yes. A. Well, I couldn't tell you the date, but it's been seventeen years or maybe a little longer than that.
Q. Did they live in the city of Lawrence when you knew them? A. Yes, sir.
Q. You say that Pendleton as you knew him, Harry Pendleton, kept a barber shop or worked in a barber shop? A. Yes, sir.
Q. Do you remember anything about the street upon which he was in this barber shop or what number the street was, or Main? A. No, sir, I don't know the name of the street.
MR. MELLETTE: Well who was Harry Pendleton? A. I don't know sir.
Q. Who was his father? A. Why I don't know, I don't know whether he had any father or not, he lived with Rector Buffington and Aunt Mariah and I always heard that Uncle Rector was his stepfather, I don't know anything about that.
Q. Well where was Mariah Buffington in '66? A. I don't know.
Q. Where was she in 1867? A. I don't know, sir.
Q Where was she in '68? A. I don't know that. I don't pretend to know these dates at all.
Q. Don't pretend to know where she was during that time? A. No, sir, not at those dates; I don't know; I know she lived in Lawrence.
Q. Well you don't know that the wife of this Pendleton that you are talking about is the applicant, is the person who is the applicant for citizenship, do you? A. No, sir, I don't.
Q. You don't know whether the woman you knew and this applicant are the same persons? A. I knowed a Georgianna Reeves; I don't know whether I knowedthis woman or not that you speak of, but I knowed a Georgianna Reeves.
Q. Now wasn't it Georgianna Riley that you knew? A. No, sir, I never knowed no Georgianna Riley.
Q. You swear that you didn't know a Georgianna Riley? A. Do I swear it
Q. Yes. A. Never knowed no Georgianna Riley that I know of. I ain't going to swear to nothing that I don't know positive, and I am going to swear as near as I can.
Q. Did you ever know a man by the name of William H. Buffington?
A. William H. Buffington? Q. Yes. A. No, sir. I might have knowed him but then I didn't know him by that name.
Q. Well now that Harry Pendleton that you talk about, did he ever go by the name of Buffington? A. Why he was Uncle Rector Buffington's stepson, so I heard; I don't know whether he ever went by the name of Buffington or not, but we always called him Harry Pendleton.
Q. Rector Buffington, he was Rector Buffington's stepson? A. I suppose lived there with them, I don't know anything about who— I heard he was his stepson. Q. Well who told you? A. My mother for one.
Q. Well now you say it has been about seventeen years since you saw him up there? A. Since I saw who? Q. Harry Pendleton. A. I said I guessed it was that long, but I didn't know that for sure.
Q. What was he doing when you saw him there? A. The last accounts I knew of him he was in a barber shop, I don't know whether his own, or yours, or whose it was.
Q. Well where was Harry Pendleton in '66? A. I don't know, sir.
Q. Where was he in '70? A. I don't know sir.
Q. Didn't know him did you? A. I knowed Harry Pendleton, I don't know these dates that you are calling. Q. Didn't keep watch of him all the time? A. Q. Didn't keep
A. No, sir, it wasn't my business to watch him all the time.
Q. You don't know how long ago he left the barber shop that you speak of? A. No, sir, I never kept track of the time he left it.

Q. Were you an intimate acquaintance of his? A. I knew him well enough; knew him when I seen him.
Q. How long since you have seen him? A. I told you I didn't know; probably it was 16 or 17 years since I have seen him.
Q. You are not positive about that, are you, might it have been 20?
A. It might have been 40, but I said it was about 16, I said I thought it was about 16 or 17 years.
Q. But you are not positive that it's been just that long are you?
A. No, sir, I am not sure, I am not sure to these dates at all.
MR. DAVENPORT: You knew Harry Pendleton there, you knew he worked in a barber shop? A. Yes, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the case at bar, D-559, and the following Cherokee Freedmen cases: D-555, D-556, D-557, D-558, D-559, D-734, D-785, and D-839.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

(Signed) P. G. Reuter.

I, Frances S. Botefuhr as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the foregoing is a true and complete copy of the original transcript.

Frances S. Botefuhr.

Subscribed and sworn to before me this 20 day of May, 1902.

Notary Public.

7. D.555.
File with Cherokee Freedman D- 784, Rosie Buffington.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27,1902.

In the matter of the application of William H. Buffington for the enrollment of himself, wife, and children as Cherokee Freedmen.

APPEARANCES:
Mellette & Smith for applicants.
J. S. Davenport for Cherokee Nation.

CHARLES TUCKER, being first duly sworn, testified as follows:

MR. SMITH: What is your name? A Charles Tucker.
Q Where do you live? A At Eufaula, Indian Territory.
Q How long have you lived in the Indian Territory? A Ten years the fourth day of this coming July.
Q How old are you? A Will be 42 years old the 15th day of this coming August.
Q Do you know William H. Buffington this man over here (indicating)?
A Yes,sir.
Q How long have you known him? A I have known him since '76.
Q Where did you first know him? A At Lawrence, Kansas.
Q What was his mother's name, do you know? A Yes,sir.
Q What? A Mariah Buffington.
Q Do you know who his father was? A Yes,sir.
Q Who was his father? A Reck Buffington.
Q Did he have any brothers or sisters that you knew? A One only, I think one that's a sister.
Q What was her name? A I don't know as I remember her given name now.
Q Where did you first become acquainted with her? A At Lawrence, Kansas.
Q How long did you live at Lawrence, Kansas, after that yourself?
A After-
Q You become acquainted with Buffington in '76? A Between fifteen and sixteen years.
Q Do you know anything of Buffington before 1876? A No,sir.
Q Where did this sister that you speak of live? A At Lawrence.
Q Did she live with the family or did she live separately from the family, how was that? A She lived individually, separately from the family as I knew her.
Q Was she married or single? A She was married.
Q Do you know what her name was? A Why her husband's name was Reeves.
Q Do you know of Buffington's leaving Lawrence at any time during the period of time that you knew him? A As I recollect I think he left Lawrence about the latter part of '79.
Q Do you know where he came? A I learned that he came to the Indian Territory.
MR. DAVENPORT: I object to that.
MR. SMITH: From whom did you learn it? A Why from parties that lived there in Lawrence, of course.
Q Did you hear him say anything about where he was coming? A No, sir.
Q What is your occupation? A I am presiding elder in the Muskogee District of the African Methodist Episcopal Church.
MR. DAVENPORT: Now as I understand you, you first got acquainted with Buffington in '76 in Lawrence, Kansas? A Yes,sir.
Q What did he follow, do you know whether he had any trade or not?
A Why I think he did.

Q Well, What was that? A A Barber.
Q Did you know him by any other name than Buffington? A I knew of them calling him another name, yes, sir.
Q What was that? A Pendleton.
MR. SMITH: Pendleton? A Yes, sir.

AMERICA EDMISON, being first duly sworn, testified as follows:

MR. SMITH: State your name? A America Edmison.
Q Where do you live? A Live in Lawrence, Kansas.
Q How long have you lived in Lawrence? A Why I have been living there about thirty years.
Q Do you know William H. Buffington? A Know when I meet him?
Q Do you know this man over here? A Yes, sir, I know him.
Q How long since you first became acquainted with him if you remember? A I came to Lawrence in '65, and I got acquainted with him.
Q Do you know what time it was in '65, what time in the year? A No, sir.-Yes, sir, I do, too, it was in November.
Q Well did Buffington leave there at any time after you became acquainted with him? A He left there about in '66, in the fall of '66.
Q Did he say where he was going?
MR. DAVENPORT: I object to that,-
MR. SMITH: Well that's competent, if he said-
MR. DAVENPORT: As being incompetent, immaterial and hearsay and testimony in the support of the applicant, manufactured upon behalf of himself in his own interest.
MR. SMITH: It is a well-known exception to the rule of hearsay that a statement made by a person, if starting upon a journey, is competent.
MR. DAVENPORT: Yes, if it turned upon whether he really did leave, but it it turned upon the motive for leaving it would not be admissable testimony.
MR. SMITH: (To witness) Well, you think he went away? A Yes, sir, he said he went away.
Q Well now did he say where he was going? A Said he was coming to the Indian Territory, Cherokee Nation.
Q Well did you know his mother, Buffington's mother? A I knew Rector Buffington.
Q Who was Rector? A That was the father.
Q Well did you know his mother at all? A I knew his mother, Maria Buffington.
Q How long was he gone from there that time he made that trip? A Well, of course I didn't particularly get the exact time that he were gone, but he was gone I guess some month or so, maybe two months, I didn't get the time that he was gone, nor didn't keep tim how long he was gone.
MR. DAVENPORT: Did you know the applicant as William H. Buffington when you first got acquainted with him? A Yes, sir.
Q Have you ever since that time known him by any other name than Buffington? A No, I have never known him at any other time only by Buffington.
Q Has he ever been known by any other name than Buffington in the vicinity of Lawrence, Kansas? A I don't know nothing about that.
Q Well you have lived in Lawrence, Kansas since '65? A Yes, sir.
Q You have known William H. Buffington in '66? A I knows him by the name of William, don't know that he was generally known there by any other name that William H. Buffington; I don't know anything about that.

Q How far did you live from where Rector Buffington and Mariah, the mother and father or the reputed father and mother of this applicant lived? A Was about half a block.
Q How long did you reside continuously within a half a block of them in the city of Lawrence, Kansas? A I resided there by the side of them, I never got how long; there was a year or so.
Q Well after the death of Rack Buffington how long did you reside continuously near the mother of this applicant, Mariah Buffington? A Well, she stayed there about, well I didn't keep time; she stayed there I guess about five or six months after he died, and she come to the Territory; of course I didn't keep time now I didn't set it down to keep it in particular.
Q How long did Rector Buffington live after you got acquainted with him? A I don't know that either.
Q Well how long did Maria Buffington live in the city of Lawrence, Kansas, after '68? A I didn't keep count of that either.
Q Well to the best of your knowledge did she live a year or ten years? A I don't know anything about that, I didn't keep no count of that.
Q Have you no opinion whatever as to the length of time she lived in Lawrence, Kansas? A I don't know.
Q How long did William H. Buffington live in Lawrence, Kansas, after you got acquainted with him? A How long did he live there after I got acquainted with him! He lived there, he was backwards and forwards.
Q I am asking you about living there; I am not asking you about here? A I don't know, I say I didn't keep track of the time.
Q Well where did he go when he was backwards and forwards? A I don't know; they was in and out.
Q Didn't you know that William H. Buffington lived in and around Lawrence, Kansas, for a number of years after the war? A No, I don't know that either.
Q Do you know whether he ever worked in a barber shop? A He worked and jobbed around right smart at other things.
Q Well do you know whether he jobbed at a barber shop? A I don't; I know he worked for the barber shop part of the time, but I never counted how long.
Q Well do you know whether he stayed there and- A You question and cross-question me so much, I told you I didn't know; I have got no books, not a bit.
Q How do you know you got acquainted with him in '68? A Because I know I did.
Q What makes you know it? A Because I know what time I come there and learned it from people.
Q Well when did you go to the city of Lawrence, Kansas? A I told you a while ago when I went there.
Q Well tell me again; I am asking you to tell me now? A I have been there in Lawrence, come there in '65.
Q What time in '65 did you go to Lawrence? A November, '65.
Q What year did William H. Buffington marry? A '67.
Q Where was he living at the time he married? A Well I told you he was here in the Territory.
Q Just answer my questions please? A Of course he was living in the Indian Territory when he married, but he come to Lawrence and married.
Q How do you know he came from the Territory? A Well there's where he said he came from, I have got no other way.
Q When did you first think about what he said about it; answer my question. A There's no necessity.
Q That's your judgment; I am quite aware of the fact that you don't want to answer them, what did you say, it seems that you don't want to answer them? A It seems to me that I have answered the question

over and over.
Q No, you are mistaken now; I am not asking the same questions over and over; I am examining you as I have a right to do. A I know you have a right, but not so much of it; I have been in court before.
Q You show a great deal of dexterity I'll confess; just answer the questions to the best of your ability; tell whether or not you can answer the question. A I didn't think anything about him only just he told me that he had been here; that's all I had to know by.
Q When did William H. Buffington move his family away from the city of Lawrence, Kansas? A I don't know that either.
Q Do you know whether he had a family? A Yes,sir, he had a family.
Q Do you know in what part of the city- A When he married my daughter-
Q You are the mother-in-law then? A And come to the Territory-
Q Well let's get a- A And when they got back the oldest child was born.
Q Which one was that? A The oldest one.
Q Well what's the oldest one's name? A Anna Allen.
Q Well don't you know that William H. Buffington in his testimony says Anna was born in Kansas? A Well didn't I tell you she was born in Kansas when they got back from the Territory?
Q They come back up there for their children to be born? A Only that one.
Q Where was Reuben born? A I don't know where he was born; born in the Territory somewhere; I don't recollect.
Q How old is Reuben? A I don't know that either.
Q Well is he a year old or twenty years old? A I don't know that either; don't know about how old.
Q Do you mean to say that you never saw the child Reuben? A Don't mean to say that.
Q Well have you ever seen him? A Yes,sir, I have seen him, but I don't know his age.
Q You came down with William H. Buffington down here to the Territory? A No,sir, because I stayed in Lawrence.
Q Where was William Buffington in '88 A I don't know; living somewhere in the Territory.
Q Do you know a man by the name of Alford, that lives in the city of Lawrence, Kansas? A Alfred what?
Q Alford, D. S. Alford. A No, I don't know him.
Q Do you remember a man by the name of D. S. Alford who was sheriff of that county for a couple of years? A No, I don't know him. I lived in that county in '88, '90 and '91, I lived there in that county at that time; and there was a great many people that I don't know, if I do live there.
Q You don't know anything about the process although you have been to court? A I didn't say I have been to court in the county, I went down in Osage County in court.
Q Well had he moved away from Lawrence before '88 with his family? A I don't remember whether he had or not, I told you a while ago I didn't keep count of the time, now they was passing backwards and forwards.
Q Had he moved away from Lawrence with his family in '92? A I don't know whether he had or not.
Q Did you ever know a man who lived in Lawrence, Kansas, by the name of H. S. Clark? A No, I don't know him either.
Q You know him while he was sheriff of that county? A No,sir had no dealings with him to know him.
Q In fact now, you don't remember anything about it in '88 and '89 as to where William H. Buffington was, do you? A Yes,sir, I remember I told you I remember his father and his mother.

Q Well can you tell me another year outside of '65 and '6 that you know where William M. Buffington was? A I told you he came back to Lawrence in '67.

Q Did he come back to Lawrence in '67? A I told you that he said he came from the Territory here.

Q Didn't you say that he went in the fall of '66, November? A No-vember, no,sir, I didn't.

Q Well what did you say about November? A I said he come to the Territory in '66 in the fall. I didn't know whether November or what it was.

Q Well he was gone about two months, is that it? A I don't know how long he was gone.

Q Didn't you say a while ago about two months? A No, I didn't.

Q Well was it about two months? A I didn't tell you.

Q Was it about two years? A I don't know.

Q Well was it about two days; was he gone at all? A: I guess you think-

COMMISSION: Answer his questions if you can.

Witness: No, he was gone more than two days.

MR. DAVENPORT: He was? A Yes,sir.

Q You was his mother-in-law at that time? A No, wasn't his mother-in-law at that time.

Q Was you in sixty? A Sixty what?

Q Now in '66 was you his mother-in-law? A No I wasn't his mother-in-law.

Q You didn't live near him till he lived in North Lawrence in '66 did you? A I don't know whether he lived there or not.

Q Well isn't there a river runs through Lawrence, the city, and divides it in two? A Yes,sir. I got acquainted with him in '69 and I don't know whether he was living in North Lawrence or not.

Q Well when did you first recollect he was living? A He lived here and there and everywhere.

Q Well when you first knew where his home was? A Lived in North Lawrence, and he lived in South Lawrence part of the time.

Q When you first learned where he was living in what part of the city was he living? A He was living in South Lawrence, that's the first I got acquainted with him.

Q Then if he didn't move to South Lawrence until '69 then you never knew anything about where he lived until that time, did you? A Moved there in '69?

Q If he didn't move into South Lawrence in the same block where H.S. Clark lived, until '69, you wouldn't know anything about where he lived before that? A Don't know anything about where H. S. Clark lived, anything about what part of the city.

Q You don't know anything about what part of the city he lived until he moved into South Lawrence, is that correct? A There's where he was living when I first got acquainted with him.

MR. SMITH: Do you know whether William Buffington had any brothers or sisters? A He has one sister.

Q What's her name? A Johanna Buffington.

Q Did she ever marry? A Yes,sir, she's married.

Q What's her husband's name? A His name was Enoch Reeves.

Q Where did she live after she married? A She lived part of the time in Lawrence and part of the time she was away from Lawrence.

Q Where did you live before you went to Lawrence? A In Independence Missouri.

MR. DAVENPORT: When did Johanna Reeves marry, or Johanna Buffington marry Reeves? A I don't know what time they married; I didn't have a thing about what time she was married. I didn't pay the wedding any attention.

Q Was she at home or after Buffington Harrington's daughter? A Don't know whether it was or not.

Q Don't know whether it was or not.

Q Did you get acquainted with her before or after Buffington Harrington's daughter? A I got acquainted with the family about the same time.

Q About the same time that he married your daughter? A About the same time, I say, I got acquainted with him I got acquainted with the whole family.
Q Well was it before or after your daughter married? A I told you I got acquainted with her before he married my daughter.
Q About how long after you went to Lawrence- A I don't know that either.
Q Now what is it you don't know? A That's all.
MR. SMITH: What was this woman's name, this Reeves woman, her first name? A Johnanna.

JACK CROUCH, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Jack Crouch.
Q What's your postoffice? A Coffeyville, Kansas.
Q What's your age? A 47.
Q How long have you lived in Coffeyville? A Since '71.
Q Where did you go from to that portion of the country? A Went from Lawrence, Kansas.
Q You know this man here, William H. Buffington? A Yes, sir.
Q When did you first get acquainted with him? A I got acquainted with him about '64 somewheres along there.
Q Where? A Lawrence.
Q Did you know his father? A Mr. Buffington, the old man Buffington, Rector Buffington? A Yes, sir.
Q What was his name? A Rector Buffington.
Q Did you know his mother? A Yes, sir.
Q What was her name? A I don't remember her name; I know her well though, Mariah I think, Mariah Buffington, that's what it is.
Q Did you live in Lawrence? A Well I lived about a mile and a half from Lawrence, right down on the river.
Q Well at that time where was William H. Buffington living? A He was living there in North Lawrence.
Q Living in Lawrence, North Lawrence you say? A Yes, sir.
Q What time did you say you left Lawrence, about what year? A '71.
Q After you became acquainted with William H. Buffington do you know whether he left that part of the country at any time, and if so about what time? A Yes, sir, he left there; he left there in '76, he and several others, at that time there was, well at that time there was a whole lot of them.
Q Were you there then? A Yes, sir.
Q Well you don't mean '76. A No, not '76, I mean '66.
Q You have stated that you had left there in '71 yourself. A I left there in '71, yes, sir.
Q Well do you know where he went to in '66? A Well they said he was going-
MR. DAVENPORT: I object to what they said.
Witness: Well I don't know whether he said it personally or not.
MR. DAVENPORT: The representative of the Cherokee Nation objects to the witness giving any testimony as to what was said about where the applicant went.
COMMISSIONER: The objection will be noted; answer the question.
MR. SMITH: Go ahead and state what you- A When I knew him I used to hunt coon, me and my brother, and we used to sell coon to Mr. Buffington, and at that time came up a kind of a noise about the Cherokee niggers had to go to the Nation, and of course I noticed that, because I knowed several of them, and when they was talking about it they was all getting ready and was going to the Indian Territory.
Q Did Buffington say anything about where he was going? A Yes, sir, he said he was going to the Territory.
Q What Territory? A Cherokee Nation.
Q Cherokee Nation? A Yes, sir.

Q Well did he go away from there, did you miss him from there? A Yes,sir, he went away from there, never bought any more wood, we used to sell him wood all the time.
Q When did you next see Buffington after he went away at that time?
A I have seen him in Coffeyville after he come down here.
Q Coffeyville, Kansas? A Yes,sir.
Q Did you ever see him any more in Lawrence? A No, I never.
MR. DAVENPORT: Now you say you was hauling wood to Buffington?
A Yes,sir.
Q That was in '66, before he left and come away from there? A Yes,sir.
Q What kind of wood was you hauling? A Stove wood.
Q You was cutting it yourself I suppose? A No,I wasn't.
Q Where was you cutting the wood? A Cutting it in the timber.
Q What place? A I don't know whose place it was; it was a place we had rented.
Q You was big enough to haul wood and didn't know whose place it was? A Who the farm belonged to?
Q That's what I mean. A Hannum.
Q Well now you left there in '71? A Yes,sir.
Q Buffington, so far as you know, went away from Lawrence, Kansas, in '66, and didn't get to haul him any more wood after that? A No,sir.
Q You have never lived at Lawrence, Kansas, since '71? A Well I have, yes,sir, I have lived there.
Q What years did you live in Lawrence, Kansas, or parts of years, since '71? A I don't remember.
Q Well was it before you left there in '71, that you left there after Buffington left? A Was it before or after? A
Q Yes,sir, I want to know which it was? A Well it was after, I went back there.
Q Now you don't mean to testify, you say that you know what year you left there in, and that you went back after that and don't know what years it was? A That railroad through there.
Q You have never lived in Lawrence since? A Well I worked there a while, I worked on Bowersock's dam a while; I don't remember just what time.
Q Well when you was working on Bowersock's dam do you remember D. S. Alford? A No,sir, I don't.
Q Do you remember a colored man by the name of Drake? A Yes,sir.
Q Do you remember his wife? A Hattie Drake? A I forget her name.
Q Now if those two parties that I have named have testified that Buffington was up there in '72, is that correct or not?
MR. SMITH: I object to that because it is not proper to call upon a witness to pass upon the testimony of other witnesses.
MR. DAVENPORT: I want to know; the gist of the question is this Was Buffington living in Lawrence, Kansas, in '72; that's what it means. A I don't know whether he was or not; I don't think so, I never seed him any more after then.
Q Did you continue to live in Lawrence, Kansas, or near there from '66 up until '71? A Yes,sir.
Q Did Buffington live in the city of Lawrence, Kansas, and work in or run a barber shop in the city of Lawrence, Kansas, between the years of '66 and '71? A I don't know whether he did or not, I never seed him.
Q You wasn't very well acquainted with Buffington and his family after you come down here to Coffeyville. Where was Buffington living in '72? A In '71?
Q Yes,sir. A I don't know.
Q Where was he living in '67? A '67?
Q Yes,sir. A Well I suppose he was living down in the Bottom.
Q Don't you know that he came A He wasn't there at Lawrence at that time.

Q Don't you know that his mother-in-law has testified not five minutes ago that he came back there in the fall of '66 or early part of '67 to Lawrence, Kansas?

MR. SMITH: That's objected to. That's a question that's incompetent to put to the witness.

COMMISSION: Answer the question if you can.

Witness: I don't know whether she did or not.

MR. DAVENPORT: Well do you mean that you lived in and near Lawrence, Kansas, in '66, and never saw Buffington in there from that time on till '71, when you moved down to Coffeyville? A No,sir, I never seed him there no more. I remember of only two men that I was working with, and they used to call them bad men, Keiser and Ben Bean, and several more of them, which said they was going to the Nation.

Q Did you live in Lawrence, Kansas, in the city or out in the country? A I lived in the country.

Q Never did live in the city? A Oh, I had a grandmother lived in the city.

Q Where did she live from where Buffington's father and mother lived? A She lived away down in the east part.

Q Now you was about how old when you first got acquainted with Buffington? A I was about nine or eight or nine years old.

Q And that's when you was hauling the wood to him? A Yes,sir.

Q You did the driving of the team yourself? A Yes,sir.

Q Now how old was Buffington then? A I couldn't tell you.

Q Well was he a grown man? A Yes,sir, he seemed to look like he was a man, he was a barber.

Q Well when did he get married? A I couldn't tell you.

Q Do you know whether he left at all or not? A No,sir.

Q Now you don't know about that because you didn't see him since '66? A Yes,sir, I have seen him, yes,sir.

Q Well since you got acquainted with him or saw him down in Coffeyville in '71 has he ever gone back to Lawrence, Kansas, and live there continuously? A I couldn't tell you.

Q You don't know whether he has lived there since that time? A No, sir.

Q You don't know where he was living since '79? A He has been in the Nation, I seen him coming from the Nation, him and my father was very well acquainted a long while.

Q When was you first at Buffington's house in the Nation if ever? A Oh, yes,sir, I have been down there.

Q When was that? A I couldn't just say when.

Q Was it a year ago or four years ago? A Oh, it's been, I couldn't just say when it was, but I have been to his house, I don't remember just how long it's been.

Q Well it wasn't in '71 was it? A No,sir.

Q It wasn't in '72? A No.

Q It wasn't in the 70's at all was it? A No.

Q Don't you know that Buffington never moved into the Cherokee Nation until just before the Kerns-Clifton roll was made? A I don't know, I told you they said they were going to the Nation.

Q Then you don't know when he came to the Nation? A Only what I heard.

Q Please answer just that you know.

COMMISSION: Do you know of your own knowledge when he came, when he moved to the Nation at all to live?

Witness: When they came away, as I say, all I know they said they was going to the Cherokee Nation.

MR. DAVENPORT: Well I ain't asking you what they said; when did you first learn of your own knowledge that Buffington or his family was living in the Cherokee Nation; that is, by being to their place or passing through the country where they were living and see them living there? A I don't remember.

Q Well I will ask you if it isn't a fact that it was after '92? A No, I seed him all along up in the '70's, I see him in '72 and '73.
Q Living in the Cherokee Nation? A Supposed to be.
Q That's the trouble about it. A He was coming that way when I seed him.
Q When was you first at Buffington's house in the Cherokee Nation?
A I don't remember.
Q Was it before or after '92? A I don't remember.
Q Do you remember whether you came down here on the train or in a wagon to the town of Muskogee? A Why I think I did.
Q Well which was it? A I think I come in a train.
Q Well just state in about what year you saw Buffington living in the Cherokee Nation if you ever saw him? A I seed him backwards and forwards through there, I never was at his house, I mean backwards and forwards, only just coming through town.
Q Now if you had told me that a little while ago we would have four pages of record out of the way.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen Cases: D-839, Reuben Buffington, D-784, Rosie Buffington, D-785, Bessie Buffington et al, D-556, Anna Allen et al, D-557, William H. Buffington, Jr., D-558, John Buffington, D-559, Georgianna Reeves et al, and in the case of William H. Buffington, the same being the case at bar. The above applicants are represented by Mellette & Smith.

Arthur O. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur O. Croninger.

Subscribed and sworn to before me this 6th day of July, 1902.

P. O. Reuter,
Notary Public.

SEAL.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and complete copy of the original.

Subscribed and sworn to before me this 19th day of August, 1902.

Notary Public.

Page # 890

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Rose Buffington, D 734;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is indexed and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file copy of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 24, 1902.

[illegible]
Notary Public

No 4D 784

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the under-signed attorney for the within named applicant hereby accept service of the within notice on this the

day of 1901.

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

I do solemnly swear that I delivered a true copy of the within notice to

day of A. D. 1901

Subscribed and sworn to before me

day of A. D. 1901

Notary Public

NOTICE!

IN THE MATTER OF the application of Rose Buffington for enrollment as a Cherokee citizen:

Case No. D 784

To Rose Buffington or Mellotte & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 10th 1901.

L B Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

Cher. Fr. D. 785

Cher. Fr. D. 785

To be filed with the case of Bessie Buffington C.F.D#
(N)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 6, 1901.

In the matter of the application of William H. Buffington for the enrollment of himself, mother and four children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation'

Q What is your name? A. William H. Buffington.
Q How old are you? A. 52.
Q What is your post office address? A. Lenapah, Indian Territory
Q What district do you live in? A. Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Is your name on the authenticated roll of 1880? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. It is on the Wallace roll, and on the Clifton roll.
Q Did you ever apply to be enrolled by any other tribe or nation except the Cherokees? A No sir.
Q Who do you desire to enroll besides yourself? A. My mother.
Q Who else? A. Myself and children.
Q How many children have you under 21 and unmarried? A. Four.
Q Please give me the names of your children? A. Roy.
Q How old is Roy? A. I think he is 14.
Q What is the next one? A. Thirteen.
Q What is its name? A Lewis.
Q A boy? A. Yes sir.
Q Lewis, 13, what is the name of the next one? A. Rector.
Q How old is Rector? A. 11.
Q What is the name of the next one? A. Solomon.
Q How old is Solomon? A. Nine.
Q Solomon the youngest? A. Yes sir.
Q Do you apply for your mother, the old lady here? A. Yes sir
Q What is her name? A Mariah.
Q She is present here with you now, is she? A. Yes sir
Q That is her? (Indicating) A Yes sir.
Q You consider your mother too old and feeble to properly answer the questions herself? A. She can answer some of them, but she can't go the full catalogue.
Q You think she couldn't complete the catalogue? A I dont know whether she could stand Mr. Hastings or not, I don't know whether I could do it or not.
Hastings: I don't know either.
(Examined by attorney Smith)
Q Have you any children older than the children whose names you have given? A Yes sir.
Q What are their names? A. Anna.
Q Is she married? A. Yes sir, her name is Anna Allen.
Q Any others? A. William Buffington.
Q And more? A [illegible] Buffington.
Q And others? A. [illegible] Buffington.
Q Any others? A. [illegible] Buffington. Jennie Buffington.
Q Jennie a girl or a boy? A. Boy.
Q How old are you? A [illegible]
Q Where do you live? A. [illegible]
Q Are these children, Roy, Lewis, Rector, and Solomon living with you?
A Yes sir.
Q Are all you belong to? A Dead Ridge.

Q Was Watt Ridge a Cherokee Indian? A. Yes sir.
Q Where did he live? A. He lived in Flint District, on Honey Creek
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you come back after the war first? A I come back in the fall of '66.
Q Who did you come back with, or did anybody come with you? A I come back with my father and mother and sister.
Q What sister, Georgiann Buffington, her name is now Georgiann Reeves, she is married.
Q Which is the older of the 2, you or Georgiann? A Georgiann.
Q How much older? A She is very near two years older than I am.
Q Where did you come to in '66 when you came back to the Cherokee Nation? A. I come up on Snow Creek.
(Examined by Cherokee Rep've W. W. Hastings.)
Q You sometimes known as Rec. Buffington? A No sir.
Q You are never known as Rec? A No sir.
Q You have a brother named Rec? A No sir.
Q You have a father named Rec? A Yes sir.
Q You were not married until after the war? A. After the war.
Q Where were you living in the Cherokee Nation when the war came up? A I were living in Flint, I mean I was living half a mile from widow Daniels.
Q Was that in Delaware? A I think it was, I think it was in Flint, I think that is in Flint now, I don't know, I think it is in Flint, because I was small, I was about 12 years old.
Q What children did Ridge have? A None.
Q What was his wife's name? A. Had no wife.
Q Did he live on the plantation with you colored people? A Sometimes he would live [illegible] and keep my mother, I can't remember, sometimes at places, sometimes he would stop there and sometimes he would have my mother out during the war, I was about ten years old, he had me hired out.
Q Who to? A. Man named Reed.
Q Where did Reed live? A About a mile from the widow Daniels
Q In the Cherokee Nation? A. Yes sir.
Q [illegible] white man? A. No sir, he is an Indian, I think, Cherokee.
Q [illegible] out to Kansas during the war? A. Yes sir, during the war?
Q [illegible] A Yes sir.
Q Where did you go, up in Kansas? A I went to Lawrence, Kansas.
Q What did you do up there after the war was over, what occupation did you follow? A I couldn't tell really, it has been so long, I couldn't tell you what I did do.
Q [illegible] A No, I didn't think.
Q But what did you do for a living? A. I couldn't tell really now, I worked at [illegible], I sometimes worked around at houses, and worked around for people, little chores, I think I got wood for a while, do little chores around really, it has been so long I couldn't tell you what I do there.
Q You came to remember? A No sir, I couldn't remember them just what I done, I don't think of it.
Q What was your father doing? A. I mean my father, I [illegible] really what he did do then, I [illegible] I don't tell just what he done.
Q How long did you stay in Kansas? A [illegible]
[illegible]
Q [illegible] A [illegible] Virginia, [illegible]
Q [illegible] A Yes sir.
Q When did you first come to [illegible] A [illegible]

Creek.
Q Who did you come here with first? A. Come with my father, Reo Buffington, my mother, Mariah Buffington and my sister and myself.
Q How old were you then? A. Well I should judge I was about 15 or 16 years old or 17.
Q Where did you come to? A. When I come from Kansas the first time?
Q Yes? A The first time we returned back in the fall of '68 and we come to Snow Creek.
Q On whose place did you stop? A We stopped at Granderson Little's
Q On Snow creek? A. Yes sir.
Q Who was Granderson Little's wife? A Granderson had no wife then.
Q He had a place up there? A. Him and his father and sister was there I think, and the old man's wife.
Q Did you make a crop up there? A. No sir.
Q How long did you stay on Little's place? A. I staid there 2 weeks
Q Where did you go from there? A. I went to Fort Gibson.
Q Did your father and mother go with you? A. Yes sir.
Q How long did you stay in Fort Gibson? A. Staid there about three days. During the time I was there my father went up into town and staid all night, and he come back and said we would have to go away from there, because they were shooting down colored people in Fort Gibson and he come back and said we would have to get away.
Q Where did you go to then? A. On the west side of the Virdigris, not far from Timbered Hill.
Q How far from Verdigris? A I guess about eight or nine miles.
Q How far from Timbered Hill? A I guess about a mile or two'
Q What direction? A I couldn't tell you that really, because during them times I couldn't tell now because the country is settled up and it is hard to tell.
Q How long did you stay there? About four or five weeks.
Q Where did you go from there? A. Went back to Kansas.
Q To Lawrence? A Yes sir.
Q Well, how long did you stay in Lawrence? A I staid there until——
Q Your father and mother with you were they all this time? A With us all the time, all of us right together.
Q And you went back to Lawrence? A. Went back to Lawrence.
Q How long did you stay there then? A. Staid there a year.
Q What did you do up at Lawrence? A. Well now you have got me again: It's hard work for me to tell you, because I couldn't tell you, I couldn't indicate, man taking anything he can get, it is mighty hard matter for him to tell what he was doing
Q Where did you go to from there after you staid there a year in Lawrence? A. I come back here in the spring of '68.
Q What part of the Nation d'd you come to? A. Went right back to the same place where we left.
Q Timbered Hill? A Yes sir.
Q In the spring of '68? A Yes sir.
Q The same place you had formerly been? A. Yes sir. And then I went back before I got married.
Q You had gotten married had you? A. Yes sir, I got married.
Q To your present wife? A Yes sir, I had got married.
Q Where did you marry her? A In Kansas.
Q Near what town? A. Married her in Lawrence, and I had one child born there, right out there; we had a little old pen built, we was going to make a farm there and have a good time, times got too hard. Nothing to do, my father's health got bad. He had the dropsy and had the pneumonia so bad that we taken him home.
Q What was your oldest child's name? A. Anna.
Q She is alive? A. Yes sir.
Q How old is she? A That's hard for me to tell. I hardly ever keep the children's ages I think she is about 70 or 72. I think, some where along about there.

Q You are not positive? A. No, something I never done is to keep the children's ages, I can give a pretty good idea close to it, but I can't tell it exact, but she is about 30 or 32.
Q And she was born in Kansas? A. Born right across from Tinker Hill in there.
Q Born in Kansas? A No sir, born in the Territory.
Q I thought you said awhile ago your oldest child was born in Kansas?
A No sir, I didn't.
Q What is your next child? A. William
Q Where was William born? A. In Kansas, my wife was a sick woman and her mother, and when my wife would come in a delicate condition we was hard up here, we have to pull, and I sent her home to her mother.
Q You would go to Lawrence, Kansas? A. I sent her to her mother, yes sir.
Q What was your next child's name? A. Reuben.
Q Where was Reuben born? A. If I mistake a lot, I think he was born, I dont know which one it was, but I had one child born when I was coming back down here, my mother was growing of all them children, she was the mid-woman, everybody knows that and will tell you, and I think Reuben was born-
Q When you was coming down here the last time? A No sir.
Q Did you go back to Kansas after you were down here? A. Yes sir.
Q How long did you live in Tinker Hill after you come there the second time, as you say, in the spring of '88? A I don't know whether it was the spring, but it was in '88.
Q You say your mother died then how long did you live out there at Tinker Hill then? A. About three months.
Q Then where did you go? A. Back to Kansas.
Q To Lawrence? A. Yes sir.
Q How long did you stay in Lawrence? A. I staid there until '91.
Q Where did you go then? A. We came back, me and my father, he located a place on Cedar creek he did, I stopped, I never located a place on Cedar creek, near where Hank French lives, we went and I moseied around to hunt up some money and the medicine and one thing and another, and he commenced to improve and we staid around there up until I thing up in 1900.
Q And then where did you go? A. And then he got so bad with the dropsy and rheumatism until I had to take him away and we went back to Kansas.
Q In 1900? A Yes sir.
Q Did you take your wife and mother? A. We left them when we came down, my sister and them, in Kansas.
Q Did your father die up in Kansas? A. Yes sir, he died in Kansas.
Q How long did you remain up there at that time, when did your father die, I will ask that, in what year? A. I will tell you the circumstance, I can't put it the year.
Q When did he die? A. He died right after the Wallace court, if you know when that was.
Q When was the court? A. It was right after the Wallace court
Q And you came down to the Wallace court.
Q Was he sick? A. Yes sir, he was not sick and after he died he died before he got through, and I hurried back down to bury him before he got through, and I hurried back down to bury him before he got through, and I hurried back down to bury him

Q Ever see Gus Buffington? A. No sir.
Q What kin are you to Gus? A I aint no kin to Gus as I know of, I think my father, I heard him speak about it when we was down to the court Gus Buffington was a witness for him and his children and I think on the Wallace court I think Gus Buffington did witness there and Allen Lynch I think did witness, I am pretty certain they did, they witness they had two children, my father always spoke in regard to the case and I think said they was strangers, I think he said he whipped Gus' wife or something or other.
Q Where did you make your place first down here after the Wallace court? S. Lenapah.
Q That where you are living now? A. Yes sir.
Q You have been living there since that time? A. Yes sir, I taken that place,— but I taken that place, yes sir, then.
Q Did you say your third child was Reuben? A No, let's see, let me count, I want to get all correct, Anna, Will, Reuben, yes sir, hold on there, let me see-
Q Where was Reuben born? A. I dont know, tell you honest, I am got kinder block headed and I don't want to get it wrong.
Q Who was Granderson Little's neighbors on Snow Creek when you first come down? A Well sir, when I come there- I mean I didn't see nobody saving seen Nelson Murrell there, passed the family.
Q Was he living there then? A. I don't know, I seen him camping.
Q You said you were there? A. That's all the man I seen having me, there was lots of Osage Indians scattered around through that country
Q Wasn't no Delawares was there? A. I didn't see no Delawares, I seen Osages.
Q Osages living right there on Snow creek? A Yes sir, right in that direction, you could see them passing, lots of Osages in there.
Q You didn't see any Cherokees? A didn't see a single one, not one.
Q Did Grandersen Little have a place up there? A He had a house and he was making a farm, it seems to me like I could see a little clearing or something of that kind.
Q You know whether he raised any corn the year before? A No sir.
Q You know whether he had any or not? A. No sir, I know I never got any, because we had to graze our horses best we could, and the grass was falling.
Q Didn't you go by the name of Pennington when you came down here? A Yes sir, I had a name, name of Pennington, and how that name was because when I went to marry I pulled off and made myself a change. I was living with a man, and though my name was Buffington.
Q Didn't But you would go by that name would you? A. Well they would call me that, and I went by the name of Sanche too right after I came out from the army and got around in amongst the people, some of them called me Sanche, and I went by the name of Sanche.
Q You have lived permanently in the Cherokee Nation since the Wallace court? A. Yes sir, been right here all the time.
(Examined by Attorney Smith)
Q When was it your father died, was it before or after the Wallace court? A. After the Wallace court.
Q About how long afterwards? A. About three months I guess.
Q Was your mother a slave? A. Yes sir.
Q She belonged to the same man you did? A. Yes sir.
Q You she with you all the time in Texas, and came back. that you have resided there? A. Yes sir.
Q She returned the same time you did? A. Yes sir.
Q Is by the mother of these four children, Ley, and Lewis and Anna and Reuben? A. Lucinda Buffington.
Q Is she living? A. Yes sir.
Q Is she a Cherokee freedman? A. No sir.
Q Was he known as a white man? A. Yes sir.
Q Have you got any proof of marriage? A Well I can prove it by some and here.

(Examined by Attorney Smith)
Q Who is there here who knows you have lived together, these other Witnesses know about it? A. Yes sir, they know it.
(Examined by Commissioner Needles)
Q Where were you married to her? A. In Kansas.
Q About when? A. I married in '67.
Q Been living with her ever since? A. Yes sir.
Q And she is the mother of these four children? A. Yes sir
Q Were you ever married before? A. No sir. Every one.
Q Are these children living at this time? A. Every one of them.
Q Living with you? A. Yes sir.
(Examined by Cherokee Rep've Hastings)
Q Where are these other children, these older ones? A They are here
Q Any of them married up in Kansas? A. No sir, they are every one right in this Cherokee Nation, some of them married citizens in this country and all and everything.
(Examined by Commissioner Needles)
Q Is your name on the authenticated roll of 1880? A No sir.
Is it on any of the rolls of the Cherokee Nation? A It is on all of them saving the 1880 roll.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 180 #4416 William H. Buffington, Goweseeoowee district.
page 180 #4421 Ray Buffington, Goweseeoowee district.
page 180 #4422 Lewis Buffington, Goweseeoowee district.
page 1880 #4423 Rector Buffington, Goweseeoowee district.
page 180 #4424 Salmon Buffington, Goweseeoowee district.

Vallase roll of citizens of the Cherokee Nation, examined and applicants identified thereon as follows:
page 170 #6319 Wm H. Buffington, Goweseeoowee district
page 170 #6318, Maria Buffington, Goweseeoowee district.
Kern Clifton pay roll of citizens of the Cherokee Nation examined and for applicant's mother and name notfound.

APPLICANT: I don't think she is on that roll; they claimed her name was lost.
Q Do you know the reason your name is not on the roll of 1880? A My father he said they came around, he was there but they didn't come; they went to the house to take it and they didn't come around.
Q Your mother has no husband now? A. No sir.

Case continued by another stenographer.

W.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) W. D. Green.

Subscribed and sworn to before me this June 10, 1901.

(Signed) T. B. Needles
Commissioner.

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Continuation by Chas. von Weise, June 6th 1901, at Choisse, I. T.

Sam Vannoy called and sworn as a witness, testified as follows for the applicant: (By Mr. Smith)

Q What is your name? A. Sam Webber.
Q How old are you? A. 50.
Q What is your post office? A. Nowata.
Q How long have you lived in the Cherokee Nation? A. I was born and raised here, went out in the time of the war and come back again.
Q When did you come back again? A In '66.
Q Where have you lived ever since 1866? A On Big creek part of the time and now in Nowata.
Q Are you on the authenticated roll of 1880? A. Yes sir.
Q You are a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Freedman citizen? A. Yes sir.
Q Do you know this old lady here, Maria Buffington? A. Yes sir
Q Do you know William H. Buffington, this Applicant? A. Yes sir.
Q What kin is William H. Buffington to this woman here? A. Her son
Q How long have you known them? A. I saw them in the fall of '66 at Timber Hill.
Q Where is Timber Hill? A It is north and a little west of Lenapah as near as I can say.
Q In what Nation? A. Cherokee Nation.
Q Did you see them more than once during that fall? A I dont know as I did after I seen them there .
Q Did they go away from there that fall? A. They claimed they was going to Fort Gibson.
(By W. W. Hastings)
Q When did you next see them? A. I never saw them until quite a while after that.
Q About how many years after that? A. I cant be real certain, I met them quite a while after on the Virdigris.
Q When did they locate up there? A. I cant tell, I dont know; I dont know as I can tell you that.
Q Since the Wallace payment? A. I wont be certain, it might have been before and it might not, I dont know.
Q What is your best judgment now as to when they have been located up there on the Virdigris? A I remember seeing them - - it was before the Wallace payment
Q Was it after the taking of the testimony? A. It was before that.
Q What was this woman's husband's name? A Hector Buffington.
Q Is he living? A. I heard he was dead.
Q When did he die? A. Somewhere about the time - I heard he died up North, I dont remember when.
Q Did he ever come down here to locate permanently? A I dont think he did.
Q Did the rest of the family come down after the death of Hector Buffington? A That is the time I first saw them.
Q Was they living in a house that first time? A. In a camp.
Q Then had no house? A. I never saw any houses.
Q Is that east of the Virdigris River? A. Yes sir.
(By Smith)
Q Do you know Willie H. Buffington's wife? A. No sir I have seen her but I am not acquainted with her.
Q How far does he live from you now? A. So it seems to me 10 miles now.
Q Can you state whether or not they have been living together as husband and wife, and if so, how long? A. They are living together as husband and wife.
Q Have they any children? A. Two girl that have got children.

John Gallagher, called and sworn as a witness for the applicant testified as follows. (By Smith)

Q What is your name? A John Gallagher.
Q How old are you? A. I am 72.
Q Where did you live? A. In Cherokee County, up close to Coffeyville.
Q Do you know this applicant here? A. Yes sir.
Q Do you know his father? A. I think so, said to be his father.
Q What is his name? A. Hector Buffington.

Q Do you know William's mother Maria, ever see her or not? A. Yes sir I know her in part.
Q How long have you known Maria? A Ever since the year '68 very good saw her in '68.
Q When did you first see Rector Buffington in the Cherokee Nation after the war? A I seed him off and on long be after the war, I cant just say what time I seed him, off and on though just arber the war.
Q Did he go out of the Nation during the war? A. I dont know.
Q Where were you during the war? A. I was in that army first.
Q When did you leave the army? A. I was discharged in May '65.
Q Where did you go to then? A. Staid right in Fort Gibson.
Q How long did you stay there after you were discharged? A. I just cant remember really.
Q Was it a short time or a long time? A I think it was in '64 or '3 along there!
Q How many years did you stay, or months, for how long a time did you stay in Fort Gibson after you were discharged from the army? A I staid there about three years.
Q After you were discharged from the army in Fort Gibson, what was the first time that you saw Buffington in the Cherokee Nation? A. He came to my house as near as I can remember when they was all stirred up in the year '68.
Q Was any one with him? A He came he was alone, just Sam Webber and his father.
Q Do you know where he was from then? A No sir.
Q When was the next time you saw this man Buffington? A off and on ever since.
Q Where had he been living? A. I dont know where he had been living all the time.
Q Do you know where he lived any of the time? A. I know where this man lives now I saw him in Lawrence Kansas Shoe boy.
Q Was this man living up there in Lawrence when you saw him? A I [illegible] sir.
Q [illegible] he have a wife? A. I never paid any attention to it, he might [illegible] me.
Q [illegible] many years was that after you saw his father below? A I dont [illegible]
Q How long after that was it before you saw this man in Lawrence? A. [illegible] tell you how long.
Q Was that the only time since that you saw this man outside of the Cherokee Nation? A. I saw him when he came to me at Bay Hills in Missouri.
Q When was that? A In '68.
Q [illegible] first came there that was during the war was it? A. Yes sir
Q [illegible] ever see this man William F. Buffington in the Cherokee [illegible] A. Yes sir at Lawrence where he lives.
Q [illegible] you ever see him any other place in the Cherokee Nation except at Lawrence? A. No sir, I seed his father in '68 at Fort Gibson.
Q [illegible] did his father die? A. I dont know.
By [illegible]
Were you ever in Delaware County? A. [illegible] nothing to do [illegible]
Were you ever there? A. [illegible] to do about this [illegible]
Were you ever in Delaware to show I was to show? A. [illegible] [illegible] if you to answer to the question what I [illegible] what you [illegible] [illegible]
[illegible] you ever [illegible] before [illegible] and tried [illegible] [illegible] and sent to Delaware to be tried out [illegible] [illegible] and you will be going home [illegible] before long.

Q Were you ever convicted of stealing before Judge Parker and sent to the penitentiary at Detroit? A Has you got the constitution for asking me that?
Q I went to have an answer to that question? A If you has the constitution for asking me any such question I will go into it but you know you aint and I aint going to answer it, cause you has no right to ask me no such question.
Q Then you refuse to state whether or not you were arrested and taken to Fort Smith Arkansas for stealing and tried and convicted before the United States Court there and sentenced to a term in the penitentiary at Detroit Michigan? A. Yes sir.
Q Do you mean that you decline to answer or that you were convicted? A That I decline to answer.
(By W. W. Hastings:
~~The representtitived o for the Cherokee~~
Nation ask that the witness be compelled to answer.
(By Commissioner of witness)
Q Do you know Maria Buffington? A Yes sir.
Q Where did you first see her after the war? A Lawrence Kansas
Q Do you know where she was in '66? A No sir I dont I know where her husband was.
Q Where was he? A. He come to Fort Gibson.
Q You dont know if she was with him or not? A. No sir, he said his family was back behind.

[illegible] called and sworn as a witness for the applicant, testified as follows: (By Smith)
Q What is your name? A. Nelson Murrell.
Q What is your post office address? A. Coffeyville.
Q Where do you live? A. Cooweescoowee district.
Q In the Cherokee Nation? A. Yes sir.
Q How old are you? A. 77, years old.
Q Do you know this applicant Maria Buffington? A Yes sir.
Q How long have you known her? A. About in 1888.
Q Do you know if she was a slave before the war or not? A. Yes sir she was.
Q To whom did she belong? A. John Ridge.
Q Was he a Cherokee Indian? A. Yes sir.
Q A recognized citizen of the Cherokee Nation? A. Yes sir.
Q Can you state when she first returned to the Cherokee Nation after the war? A. I dont know when she returned to this Cherokee Nation.
Q What Ridge did she belong to? A. John Ridge.
Q Where did you first know her? A. Back in the old country on Red Hill.
Q What old country? A. In Georgia.
Q Did John Ridge ever come to this country? A. Yes sir.
Q And he brought his slaves with him and among them this woman? A. Yes sir.
Q Was it before or after she was that they came? A. Long before the war.
Q Do you know if John Ridge had any children, and if so who were they?
A One boy that I knowed, Scott Ridge.
Q Do you know how the applicant Maria Buffington got to the Cherokee Nation from Georgia? A With the old man.
Q What became of John Ridge after he came here? A. They killed him.
Q [illegible] they came to get here.
Q What became of Maria when he got killed? A She ran to Scott Ridge. He was a kind of like a boy.
Q Where did he live? A. In Tennessee.
Q [illegible] called Hampton or to complete that name
A [illegible]
Q [illegible] or do you know
A [illegible] A. A man called [illegible]

(By W. W. Hastings)
Q What district did this man Bushyhead live in? A. I dont know.
Q Were you ever there? A. No sir.
Q You did not know this man Rector Buffington ? A No sir not until 14 years ago I knew this old woman.
Q Before the war? A. Yes sir.
Q How long before the war? A. Up on Spring river about 8 years before the war.
Q Was that the last time you saw her before the war? A. Yes sir.
Q You saw her on Spring river? A. Yes sir.
Q In what district? A. Dont know the district.
Q Where was it that you saw her here? A. At a Camp Meeting.
Q How far from Tahlequah? A. Oh about 40 miles or so
Q At a camp meeting? A. Yes sir.
Q Was she living up around there? A. I dont know if she was living up around there or not, but that is where I met her.
Q You were allowed to wander around through the country were you? A Yes sir.
Q She was allowed to go the same was she? A. I dont know that, but I know she was at that camp meeting that time.
Q Dont you know that John Ridge was killed in the year 1840? A I dont know it.
Q Dont you know that they were all run out of this country and went to Fayetteville Arkansas? A. No sir I dont know nothing about that.
(By Hastings of applicant Maria Buffington)
Q Auntie, where did you live when the war came up? A I was weaving carpets close to where Jack Moore lives.
Q How long had you been weaving carpets before the war and where? A For a long time about and about.
Q For white people? A. For Cherokees and white folks too I reckon.
Q Were you in the States or in the Nation? A. In the Nation.
Q Give me some of the names of the people for whom you were weaving carpets before the war? A Jack Moore's sister Jane, two for her, and some for Mrs. Daniels, the widow Daniels; some three or four more I don't remember them all.
Q Did you ever live in Fayetteville Arkansas? A. No sir.
Q What town did you live near before the war? A. Never lived close to no town; Honey Creek was where we went more times, we would go there to get a few things out of the store there; Buffington always got things for me.
Q You are too old to know much about any of these questions? A. I can't answer them.
(By Smith)
Q How old are you? A. I am in 80 something.
Q Do you remember to whom you belonged? A. Yes sir.
Q Who? A When we first started to this country my master John Ridge said, he said he wanted me to go with them as I was so good about carrying a bucket of water and I came with them to this country and when we got here and he done got killed he wanted that I should be willed to his son Watt and then I was willed to Watt and belonged to him.
Q What man was next to him, his son? A. I reckon.

Maria Buffington being sworn as a witness testified for the applicant as follows: (By the Commission)
Q What is your name? A. Maria Buffington.
Q How old are you? A 84.
Q What is your post office address? A. Lenapah.
Q Are you the applicant? A. Yes sir.
Q Are you the child? A. Yes sir.
Q What is your name? A. Maria.
Q Do you know if they are married? A I dont know of their marriage.
Q Do you know if they are married? A I dont know of their marriage.

I know that they have lived together as man and wife.
Q How long have you known them since they lived together as man and wife? A. I dont know just exactly.
Q About how many years? A. They have been living neighbors ever since 1890 - they were living together then.
Q Have they been living together ever since then? A. Yes sir.
Q Are they recognized in the Community as man and wife? A. Yes sir
Q Do you know their children? A Yes sir.
Q Do you know Roy? A. Yes sir.
Q Do you know Lewis? A. Yes sir.
Q Do you know Hector? A. Yes sir.
Q Do you know Solomon? A. Yes sir.
Q They are considered their children are they? A. Yes sir, they are their children.

(By Smith)

Q Do you know any of the older children of the Buffington' ? A Yes sir.
Q Which ones are older than Roy? A. I know Annie, Will, and Rose and Bess and Roy.
Q Have they ever lived with William H. Buffington since you knew him and his wife? A All of them is living there together.
Q Were they recognized there as being the children of him and his wife, the older ones? A. Yes sir.

(By W. V. Hastings)

Q How long have you known William H. Buffington? A I dont know just how long.
Q Well to the best of your judgment how long have you known him? A I knew them as neighbors since 1890.
Q Did you ever know them before that time? Did you know William H. Buffington before you knew him that time? A. Yes sir.
Q Before 1890? A Yes sir.
Q How long have you known him? A I have known him ever since- - for a good many years.
Q Will good has long years? A. I dont know.
Q What is the best of your judgment as to how long you have known him? A. I dont know. I have been knowing — I have known him— I know he was two years I have known him. I dont know, I have no judgment about it.
Q How old are you? A. 37.
Q Did you ever see them be married? A. I dont know anything about his marriage, all that I know is that they has been living there for a long time as man and wife.
Q Did you ever see them living together as man and wife before 1890? And if so, how many years? A. I dont know.
Q Did you know them before that? A. Yes sir.
Q Where did you know them before that? A. I think it was in the Territory in 1888.
Q Was that the first time you ever saw them? A. (No response)

(Witness informed of relation and examined by W. V. Hastings:

Q How long have you known Hale Clemens Marie Johnson? A. I am the granny of her.
Q Where was she born? A. In this Territory.
Q How old was she? A. No form, a little leg house my [illegible] (Holding his hand) [illegible] Indian.
Q Have you known her all along? A. Yes sir.
Q Did she live with you? A. Yes sir.
Q Did she live with William H. Buffington? A. Yes sir.
Q Did she live with him when he died? A. Yes sir.
Q Did she live with him before he died? A. Yes sir.
Q Do you know? A. No sir.

Q In the country? A. Yes sir.
Q In Kansas? A. In the Cherokee Nation.

By Com'r Needles,- William H. Buffington applies for himself and his mother, Maria Buffington, and Maria Buffington appears in the course of the application, but it is averred that on account of her extreme age and infirmities she cannot apply for herself and answer the necessary questions. The applicant also applies for four children, Roy, Lewis, Rector, and Solomon; they are all duly identified on the Kern-Clifton roll and the Wallace roll, except the children who are only identified on the Kern-Clifton roll; none of them are identified on the authenticated roll of 1896 or the census roll of 1896; they make satisfactory proof as to residence. The applicant does not apply for his wife. The said Maria Buffington and the said William H. Buffington and his four children as named herein, Roy, Lewis, Rector and Solomon, will be listed for enrollment as Cherokee Freedmen on a doubtful card and he will be notified by mail of the final decision of the Commission.

* * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise

Subscribed and sworn to before me this the 12th of June 1901 at Chelsea, I. T.

(Signed) T. B. Needles,

Commissioner.

* *

I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

Subscribed and sworn to before me this 3rd of September, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 20th, 1901.

In the matter of the application of Bessie Buffington for the enrollment of herself and one child as Cherokee Freedman; said Buffington being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Bessie Buffington.
Q How old are you? A 21.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody but yourself? A Myself and one child.
Q What is the name of your child? A Viola Marrill.
Q Are you married? A Not, sir, not lawfully.
Q You have never been married? A No, sir.
Q You always go by the name of Buffington? A Yes, sir.
Q What is the name of your father? A William H. Buffington.
Q How old is Viola Marrill? A Two years old.

The 1880 Authenticated and 1896 Census Rolls of Cherokee Freedmen examined and name of applicant not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined name of applicant found thereon, page 180, #4420, Bessie Buffington, Coow eescoowee District.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 181, #3381, Bessie Buffington, no district given.

Q Where were you born Bessie? A In Kansas.
Q When did you first come to the Cherokee Nation?
A I don't know, sir.
Q Don't you know how long you have been living in the Cherokee Nation? A I have been here ever since the Wallace Court.
Q You never were here before that; you have been living here continuously since the Wallace Court? A Yes, sir.

BY MR. MCKENNON, of Counsel for Applicants.

Q Are you a daughter of William H. Buffington who applies for enrollment as a Cherokee Freedman? A Yes, sir.

COM'R NEEDLES: Bessie Buffington applies for the enrollment of herself and her child, Viola Marrill. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but she is identified upon the Kern-Clifton roll and Wallace roll as indicated in the testimony. She avers that she has one child, Viola Marrill, two years of age, whose name is not found upon the roll. It will be necessary for her to file satisfactory proof as to the birth of said child. She avers that she is the child of William H. Buffington who is listed for enrollment as a Cherokee Freedman on doubtful card #[illegible], and the testimony in in the matter of the enrollment of said William H. Buffington will be made part of the record in the case of her father and a copy thereof filed herewith. Said Bessie Buffington & her child will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be advised by mail of the decision of the Commission in the premises.

[illegible]

[illegible]

[illegible] Rigby duly sworn, stated that he strongly [illegible] to the plaintiff in this suit civilized [illegible], he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 8th day of July, 1926.

[illegible]

Commissioner.

File with Cherokee Freedman, D-785, Bessie Buffington.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of William H. Buffington et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
~~Mellette & Smith, attorneys for applicants;~~
W.W.Hastings and L.B.Bell, of counsel for Cherokee Nation.

GUS BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bell: What is your name? A Gus Buffington.
Q How old are you? A About 75 or '6.
Q Your postoffice? A Vinita.
Q Well, this case you are called on is in the application of one William H. Buffington, who claims to be the son of Reck Buffington, a former slave of the Cherokee Nation; now I would like to ask you first if you were acquainted with one Reck Buffington? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Where did he live? A Out this side of Maysville.
Q How long did you know that Reck Buffington? A I knowed him from the cardle on up.
Q You were a slave yourself before the war, were you? A Yes, sir.
Q Who did you belong to? A Mrs. Buffington.
Q Who did this Reck Buffington belong to? A Mrs. Buffington, the same family.
Q Did ever you know of Reck Buffington having a wife? A Yes, sir.
Q Did you ever see that wife? A Yes, sir.
Q Well, after the close of the war where did he have this wife?
A Right on the line there at Maysville.
Q Where did you live, in Arkansas or in the Cherokee Nation.
A At that time?
Q Yes, at that time? A I was living in Arkansas.
Q Tell what you were doing there? A Blacksmithing, hired out there
Q Hired out in Arkansas? A Yes, sir.
Q And Reck was living where? A He was living out at my old mistress'.
Q How far was that from Maysville and where was it? A Two miles from Maysville.
Q In Arkansas? A No, sir, in the Cherokee Nation.
Q Well now you say Reck had him a wife there at that time?
A He had a wife there at Maysville.
Q Did you know that wife? A I have seen her and know her name.
Q Well, did you see her while he had her for a wife? A Yes, sir.
Q What was her name? A Maria Giles.
Q Was she a slave at that time? A She was.
Q Do you know who she belonged to? A She said she belonged to old Mike Giles up there on Sidney Creek.
Q How far is that from Maysville? A Must be somewhere near about five or ten miles.
Q Well up to the war, how long had Reck been married before the war began, to this woman? A Well, as well as I can remember it must have been a year or two years, but ever that I don't think longer.
Q Did Reck and this woman have any children after they married?
A Yes, a few.
Q How long did Reck continue to live with her there, that [illegible] time? A He lived with her after 'bout and then he got [illegible]

parated and the next time I heard of them they were in Kansas.

Q Well, when did you next see Reck? A Time of the Wallace Court.

Q Where did you see him? A Right here at this place.

Q Where did you next see his wife, Maria? A I don't recollect seeing her after she was talking to me about trying to get that money.

Q Well, do you recollect seeing her before that time since the war? A No, sir.

Q Well, that was the first time you saw her? A Yes, sir.

Q That was when the Clifton Roll was going on here, five years ago or such? A Wallace roll.

Q Did you ever meet Reck after that, did you ever see Reck any more?

A After that Wallace roll, no, sir.

Q Did you ever see Maria since? A Not that I recollect of, I don't believe I have seen her.

Q Well, did Maria have any children when her and Reck married?

A Reck told me she had two,

Q Do you know anything about their names? A One of them was called Pemberton and the other was called Joanna, a girl.

Q Well, when Reck was here at the Wallace Court, did he have any of his family with him? A Pemberton was with him.

Q Passing as his son? A Stepson.

Q Well, did you have any conversation with Pemberton? A Why I had a little with him.

Q Well you had enough with him to talk with him some, did you?

A Yes, sir.

Q What sort of talk did you have? A It seem you knew it was him?

A Well he was here with his stepfather and he wanted me to try and fetch him in before the Wallace Court, and I told him I couldn't.

Q That is, he wanted you to swear he was Reck's son, was that it?

A He didn't tell me he wanted me to swear, didn't say he wanted me to swear he was Reck's son, he just wanted me to swear him in

Q What sort of swearing would it require? A I would have to swear he was a Cherokee Freedman, and I reckon, and I couldn't do that.

Q Since that time you haven't seen him to know him? A Yes, sir, I met up with her out here to the Clifton court.

Q Out here at Lightning Creek? A Yes, sir, I have seen him out there.

Q Same fellow that Reck had here with him? A Same man.

Q Do you know where Reck came from when he came here to the Wallace Court? A Came from Kansas right straight.

Q Are you sure certain that this Reck that you met was the old Reck Buffington you were raised with? A I am certain that it was the same Reck, he was my own dear cousin, I reckon I ought to know him.

Q Where did Mrs. Reck live you say? A She lived up on Honey Creek, up southwest there.

Q In Arkansas or the Cherokee Nation? A I think it was Arkansas.

Q She wasn't a recognized citizen of the Cherokee Nation was she?

A No, sir.

Q Well, look around here and see if you can find that Pemberton?

A That looks like the man sitting right over there [indicating applicant] that is the man as well as I can see.

Q This time when you saw Reck after the war was at the Wallace court, was it? A Yes, sir.

Q Well, did he tell to you then like he had ever been here before?

A No, sir, he never talked like he had ever been here.

Q Did you have any particular conversation about whether he had ever been here before? A No, sir, I didn't have any particular conversation with him about that, he didn't talk much about whether he ever would come back or not.

Q Do you know where he died? A No, sir, without he died out California, he might have died out here.

Q You saw him after the Wallace court? A Never saw him after the Wallace court.

Q When did you come back to this country? A I came back in 1894.

Q You on the roll of 1880? A Yes, sir.

Q Well, where did you live in 1866? A Lived at Hilderbrand's Mill and part of the time at Maysville.

Q Where did you live in 1867, next year after that? A At Maysville, right up there.

Q Then when did you go to the Grand River? A I moved here in '70.

Q Between '70, the time you came down here, and the Wallace Court, did you ever see Reck at all? A No, sir.

Mr. Smith: - Well, you say you haven't seen Maria since the Wallace Court? A Not that I recollect of.

Q Don't you know that she was living right up there in the Cherokee Nation close to Lenapah and has been there all the time since the Wallace Court? A I don't know, I have never been to her place and don't know where she is living at.

Q You just mean to say you didn't see Reck Buffington from the time you have mentioned up to the time of the Wallace Court? A No, sir, I never saw him from the time we got separated when the war was coming on up till the Wallace Court.

Q Well now, when did you first see Maria Buffington after the war? A Right here at the Wallace Court.

Q Now didn't you see Maria Buffington when they were taking the 1880 census, or roll? A If I did I don't know it.

Q Didn't you see her on Lightning Creek, or didn't you have a talk with her in 1880? A No, sir.

Q At Lenapah? A No, sir, I had a talk with her daughter, I didn't see her at all.

Q Was that in 1880 you had the talk with her daughter? A That was out here at Lightning Creek, time of the Clifton roll.

Q I am talking about time when the '80 roll was made up, or census taken for the 1880 roll? A I don't know anything about it.

Q You don't remember it? A No, sir

Q Well now who testified for these people, the Buffingtons, before the Wallace Court? A Mr. Bell testified for Reck and I don't know who testified for them.

Q And what children of Reck Buffington's did Mr. Bell testify for? A Know one that I know of.

Q Do you know that he didn't testify for any of the children? A I don't know only he went in, I wasn't in there, I don't know.

Q Didn't you testify too before the Wallace Court for Buffington? A No, sir.

Q You are sure of that? A I am sure of it.

Q Who else then did testify at that time? A You will have to get somebody else to tell you, I can't tell you.

Q You don't know? A No, sir.

Q Where did you say Reck Buffington lived now before the war? A He lived up near Maysville close to Benton County.

Q In the Cherokee Nation? A Yes, sir.

Q Who did he belong to? A Buffington.

Q What Buffington? A John Buffington.

Q John Buffington a citizen of the Cherokee Nation? A Yes, sir. He was my young master, I reckon he was.

Q Now you say that was close to Hilderbrand's. You mentioned something about old man Hilderbrand. What Hilderbrand was that? I don't know anything about no Hilderbrand.

Q Didn't you mention Hilderbrand, or Daniel Hilderbrand?

A Hilderbrand's Mill, where I was at work.

Q What Hilderbrand is that? A Just that old miller Hilderbrand is all I remember now.

Q Was that Wade Hilderbrand? A No, sir, Daniel Hilderbrand owned it at that time.

Q Did you ever know a man named Wade Hilderbrand? A I heard of some person Hilderbrand, but I don't remember that one, it was a long time ago, it was before the war I think.

Q Well, how old was you when you knew Reck Buffington?

A Why, so.

Q And you say Maria Buffington belonged to a woman named Cole?
A Yes, sir.
Q Where did she live; in the Cherokee Nation? A No, sir.
Q Where? A Living in the State.
Q What state? A Missouri.
Q How far from where you were living? A Nine or ten miles.
Q And you lived how far from Arkansas? A I lived right there, run a shop right on the line.
Q Near what town? A Maysville, Benton County, is where I worked all the time.
Q How far is Maysville from Missouri? A Nine miles to the corner, what it is called.
Q How long had Maria and Rock Buffington been living together, how long had they been husband and wife before the war commenced? A As well as I recollect, about a year or two years, if any longer than that I don't recollect it.
Q Well, if it was any shorter than that do you recollect it?
A No, sir.
Q You don't know much about how long they lived together? A No, sir, not exactly, I can't tell that.
Q Well, where did you hire out, how far were you from where this man lived that owned you? A What owned me, about two miles.
Q Where was Rock, was he hired out or did he stay home? A No, sir, he was at home on the farm and I was blacksmithing.
Q Which was the older of the two children you have mentioned, Jomina or the one you call Pemberton? A Well, I can't tell you which was the oldest one, but I believe Pemberton was the oldest one.
Q Well, you say you knew them there, knew this woman and knew her two children, don't you know which was the oldest, the boy or the girl.
A I never was on the place where they lived at, their mother would go backwards up there and I would just hear them talk.
Q Who did you hear talking? A His mother and his stepfather, about the two children she had when he taken her, that is all I know about it.
Q Well, what did you ever hear Maria Buffington was about the two children she had? A Nothing more than that they were her children.
Q Did she say who the father of them was? A No, sir.
Q Well, you don't know who the father of them was? A No, sir.
Q Don't you know that Rock Buffington died right after the Wallace court? A Died just after the Wallace court.
Q Yes? A I remember of his death but I don't know what time he died.
Q Wasn't it right after the Wallace caroltment that you heard of it?
A Why I can't tell you for certainty.
Q Was it been a short time or long time since you heard of it?
A I can't tell you that.
Q Did you hear of it yesterday? A No, sir.
Q Been several years? A It has been two or three years I reckon, maybe longer, maybe shorter, I can't tell you exactly when I did hear of it, he was dead and buried when I heard anything about it.
Q How old did you say you are? A About 7[illegible] or '0 years old.
Q Rug Buffington? A Yes, sir.
Q And you are the only Rug Buffington, a freedman in this country? A The only one I know anything about.
Q Do you state positively that you didn't testify before the Wallace court in the matter of the application of Rock Buffington and his son and daughter, do you? A I did not.

[illegible]

Q When did you live there? A I lived there from '89 until '92.
Q What was your business there? A I was agent, Iron Mountain Agent, also postmaster.
Q While you lived there, did you become acquainted with one William H. Buffington, the applicant for citizenship here? A Yes, sir.
Q Did you know him personally? A Yes, sir.
Q Is that the gentleman over there look at him (indicating applicant)? A Yes, sir.
Q When did he go to Lenapah, do you know? A I think he came there in 1890.
Q Was that his postoffice? A Yes, sir.
Q Did you deliver his mail to him? A Yes, sir.
Q What was his name that he would go under as you delivered his mail to him? A W. H. Pemberton, I believe.
Q How long were you there after he came there? A I was there about two years after he came.
Q He passed around the country as Buffington and received mail as William H. Pemberton, is that it? A Yes, sir, that is the way.
Q Do you know where he came from when he came there? A He said he came from Lawrence, Kansas.
Q Did you ever, through conversations with him, learn about how long he had been away from there, or anything of that sort? A No, I don't remember that I did.
Q You don't know how he came there? A No, sir.
Q Whether it was by rail or otherwise? A No, sir, I don't.
Q Are you a Cherokee citizen? A No, sir.
Q You are a citizen of the United States? A Yes, sir.
Q Where do you belong when you are at home? A Nowata.
Q Where are you from? A I came from Kansas to the Territory.
Q How long did you stay at Lenapah? A I stayed there three years.
Q How long after you came there was it before you first took charge of this postoffice, before this Pemberton showed up? A It was about a year.
Q Did he ever change his mail address from Pemberton to Buffington while you were there? A I don't know about that, I don't remember that he did.
Mr. Smith: Mr. Taylor, can you state whether the man you refer to as Pemberton received any mail as Buffington? A No, sir, I don't remember whether he did or not.
Q Don't remember about that? A No, sir.
Q Are there a good many colored people up there or were there at the time you had this postoffice? A Yes, sir
Q Well two names is a very small number among some of these colored people, for them to have, as a rule? A Why I never knew of any other having two names.
Q Didn't they go by the name of their old masters and their stepfathers and their fathers and everybody else? A I don't know about that.
Q Well a great many of them did get mail under two different addresses? A Why they might.
Q Can you speak of a number of instances that occurred? A I don't remember of any right now.
Q If you have how long since you were postmaster? A It has been [illegible] years.
Q When you had occasion to know about it at all? A Yes, sir, there may have been other cases but that but I don't remember them now.

[illegible] daily copy of [illegible] testimony. Certified as follows:
Mr. [illegible] Give us your name, age and postoffice address?
A [illegible], Will. In years old, postoffice, Nowata, Territory of [illegible].
Q Where do you live, where do you live? A I live in Nowata.
Q How long have you resided in the Cherokee Nation? A Since '92

Q Were you acquainted with the Ridge family of the Cherokee Nation?
A Yes, sir.
Q Who were the original Ridges here in '39? A John Ridge and Wat Ridge and Sarah Paschal.
Q Was that one family? A That was one family.
Q Two brothers and a sister? A Two brothers and a sister.
Q Were there others of the family that you know of? A None.
Q Well, what became of the original Ridges, the old man, John?
A Old man John Ridge he was killed in June '39.
Q Well, what left what of the family? A Sarah Paschal and Wat Ridge.
Q You were personally acquainted with this Wat Ridge, were you?
A Yes, sir.
Q Well, was he of sound mind, or a crazy man? A He wasn't considered of sound mind, an idiot.
Q What became of Wat Ridge? A Wat Ridge died just before the war.
Q What became of Sarah Paschal? A Sarah Paschal lived in Van Buren, Arkansas, up to about '48, '47 or '8, they moved to Galveston, or Texas.
Q What became of John Ridge's family after he died? A John Ridge's family moved out of the Cherokee Nation into Benton County.
Q Benton County where? A Arkansas; and afterwards to Fayetteville, Arkansas, Washington County.
Q Up to 1860, that is the beginning of the war, '61, did any of these parties ever remove into the Cherokee Nation? A No, sir.
Q Now what became of Wat Ridge? A Wat Ridge died.
Q When? A Before the war, just before the war, two or three years, I don't recollect exactly.
Q Did Wat Ridge have any property that you know of? A No, sir, he didn't have any that I know of.
Q Well, who would have been his heirs under the laws of the Cherokee Nation at the time of his death? A The Paschal family and John Ridge's family were his legal heirs
Mr. Smith: Mr. Bell, was Wat Ridge a married man or a single man?
A I never heard of his having a wife.
Q How old was he when he died? A He was 30, perhaps or more.
Q What year did he die? A I don't know the exact date, but it was just two or three years before the war.
Q How long had it been since you had seen him, at the time of his death? A I can't tell you exactly, but not a great while before he died.
Q Well, give us your best judgment as to the time? A Three years, two or three years perhaps.
Q Who was his father? A Major Ridge.
Q Where did he live? A Major Ridge lived near the south or about the south of Honey Creek, Delaware district.
Q In the Cherokee Nation? A Yes, sir
Q Was this man Wat Ridge brought up in the Cherokee Nation?
A Partly; he was born I guess before he left the old country.
Q This old man? A Yes, sir.
Q He came here with his father, did he? A Yes, sir.
Q They were recognized citizens of the Cherokee Nation were they?
A Yes, sir.
Q The old man and woman before his death in '39 were citizens of the Cherokee Nation, and Wat was also? A Yes, sir
Q Well his son Wat Ridge had come here with his father from the old country?
A Yes, sir.
Q Well, then he was a citizen of the old country too, wasn't he?
A Yes, sir.
Q Well, what members of the Ridge family were living at the time Wat Ridge died, that relatives of Wat Ridge? A All of John Ridge's children were living, the Boyers and Stands of this Ross, the Rawhide-[illegible] were living, the Boyers and Stands of this Ross, the Rawhide-[illegible]
Q How many were there? A There was four boys and two girls
Q Where were they living? A They were living in Benton county.
[illegible] Q [illegible] A [illegible]

Q Where were they living at the time Wat Ridge died? A They were living in Fayetteville.

Q All of them? A Not all of them, some of the men had grown up and moved out of the country, Rollin Ridge was in California.

Q What ones of them, if any, were living in the Cherokee Nation at the time Wat Ridge died? A None of them.

Q Where did you say Wat Ridge was when he died? A Wat Ridge died in Delaware district not far from the mouth of Honey Creek.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q And you think he died before the war? A Yes, sir, he died before the war.

Q Are you certain that he died before the war? A Yes, sir.

Q You said something about Wat Ridge being not considered a sane man? A Not of sound mind.

Q Well, he attended to his own business, didn't he? A Well, he had no business qualifications whatever.

Q I am not asking you about his qualifications, I am asking you to state the fact as to whether he attended to his own bysuness or whether somebody attended to it for him? A I don't know anything about that.

Q No court ever passed upon the question of his ability to attend to his own business did they? A None that ever I heard of.

REES CRAVENS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Rees Cravens.

Q How old are you? A I am 43, 43, somewhere along there.

Q What is your postoffice? A Vinita.

Q Do you know this applicant who has been applying here for enrollment, who calls himself William H. Buffington? A Yes, sir.

Q When did you first learn to know him? A Well, I have known him to the best of my knowledge ever since '74 or '5, along up through there.

Q Where did you first know him? A Lawrence, Kansas.

Q Was he living up there? A Yes, sir.

Q What name did he go by? A Mr. Harry Pemberton.

Q Did he have a wife? A Yes, sir.

Q Was she living there with him? A Yes, sir.

Q Do you know her name? A I did know her name, but I can't call it positive, I can call her sister's name but I can't call her name.

Q Well, did you know his wife's people? A Yes, sir.

Q Knew her mother? A Yes, sir.

Q What was her name? A Her name, what she always went by, named Rosy Reeds, the old lady.

Q Did you know his children? A No, I have seen his children but I wasn't personally acquainted with them by name.

Q Did he have some? A I think the last account when I was up there he had one or two, I won't say for certain but I think he had one or two, I know he had one.

Q Well how long did you know him living there in Lawrence, Kansas? A I knowed him in there up till 1878, along in '75 is the last account I have of him there.

Q I thought you said you knew him in '74? A I did when I lived there. I left him there when I left.

Q How long did you know him there? A I knowed him all the time since from '5 and '6 all along up to 1878 and '79 when I left there. I left there sometime about that time.

Q Didn't through his many years? A I know him five years, I am positive of that, positive I am acquainted with him through about five years.

Q Well, did you ever see him after you left there? A No, sir, I never saw him till I came here.

Q What was he going by when you saw him down here? A He went by the name of Mr. Harrington.

Q When did you first see him down here? A Out to Hayden's here at the payment.

Q This last strip payment? A Yes, sir, when they first commenced paying I met him there.

Mr. Smith: Well when did you say you first got acquainted with this man William H. Buffington? A Well, I am not giving any positive date but just as near as I can tell you, along '73 or '4, along through there, maybe earlier than that.

Q Or might have been later? A No, it wasn't later than that.

Q How do you know it wasn't, if you don't know when it was? A I say It wasn't later than that, I am positive of that.

Q Now where was it you knew him? A Lawrence, Kansas.

Q I thought you were at Iola? A Well never mind, you ask me and I will tell you how come me there.

Q Were you at Iola? A Yes, sir.

Q When were you there? A I was there, in through there.

Q When you were testifying against some other people you said you were at Humboldt? A Yes, them I said I saw, I have seen them too.

Q How many more places in Kansas have you been? A Have I lived?

Q Yes, where these applicants have been living? A I lived in Iola, I lived in Lawrence, I lived in Topeka a while, and I lived in Wichita a while, in Kansas.

Q That all? A That I made a permanent home, to say from one year to two years, six months.

Q These are the only places where you made the acquaintance of these colored people who now live in the Cherokee Nation? A I have answered you that is all.

Q Are these the only places where you have made the acquaintance of any of these people living here? A That I have testified to?

Q That you have testified to or are going to testify to? A Yes, sir.

Q These are the only places where you were? A Yes, sir.

Q Well, which one of these places was your home when they sent you to the penitentiary? A Lawrence, Kansas.

Q How long were you in the penitentiary? A I was there three years.

Q Well, what other offences have you been convicted of? A I have been convicted of fighting and several cases made for selling whiskey here but I didn't sell it.

Q You plead guilty to it? A Yes, sir, I plead guilty

Q Selling whiskey here in the Cherokee Nation? A Yes, sir. I plead guilty to make my charge as light as I could, but I didn't sell it.

Mr. Hastings: What were you in Lawrence in the penitentiary for? A I was there for shooting at a man, I was pardoned too.

Commissioner: The testimony in this case will be made part of the record in the cases Freedman D-784, D-[illegible], D-[illegible], D-[illegible], D-837, D-838, D-839, and also filed with the [illegible] of that, D-835.

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Bruce C. Jones, being duly sworn, says that he stenographed to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this [illegible] day of [illegible], 1907.

Commissioner.

File with case of Bessie Buffington, et al., C.F.-D.#788.

Supl.C.F.-D.#[illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER [illegible], 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM H. BUFFINGTON, et al., as Cherokee freedmen, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A J. M. Tittle.
Q What is your post office? A Vinita.
Q What is your age, Mr. Tittle? A 56.
Q Did you ever live up at Lenapah? A Yes, sir.
Q Did you know a colored man there by the name of William H. Buffington, or Pemberton? A Yes, sir.
Q When did you learn to know him? A I think, as I'll be I remember it, it was in '91, either '91, or '2, somewhere along there.
Q Well, did you have any business relation with him? A Yes, sir, I have had.
Q Do you say yes? A Some, yes, sir.
Q Was that the first time you ever knew him? A Oh, I had seen him around there a while before he come in.
Q Do you know where he came from? A Said to be from Kansas, Kansas, I don't know only that the talk was at the time.
Q Do you know whether he had his family with him when he first came, or not? A I don't think he did.
Q Well, did he rent a barber shop from you? A Yes, sir.
Q State whether or not you got a permit for him? A Rented a rock from me and put his table in.
Q Well, did you get but a permit for him? A Yes, sir.
Q Well, have you that permit? A I don't know whether I have or not, it may be among my papers, I never paid much attention to that; it might be among my papers somewhere.
Q Never had occasion to keep it from that time? A No, sir.
MR. SMITH: Mr. Tittle, have you made any search for that permit? A No, sir.
Mr. Smith: Applicants move to strike out the testimony in regard to the permit for the reason that it is not the best evidence.
Q You didn't get a permit for him? A Not, sir.
Are you a citizen of the Cherokee Nation? A Yes, sir.
Did you have to get permits for citizens? A No, sir.
Did any citizen need to have a citizen at that time? A No, sir.
[illegible]

him he was trying to claim right in the Nation under Buffington.
Q Well, that was the first you knew of it? A Yes, sir, that is all I know of him.

MR. SMITH: Mr. Tittle you don't know that the man you knew is the same man that is applying here for citizenship in this case?
A. From what I understand from Buffington it is the same man.
Q I am asking you what you know of your own personal knowledge?
A I don't know that he is the same man until you would bring him before me, I can tell you.

(Mr. Hastings asks to have applicant called.)

Q How long since you knew the man Pemberton? A I knew him ever since he came there to my place.
Q When was that? A I think it was in '91 or '2, somewhere along there, I can't recall to memory right now.
Q How long did you know this man about whom you speak, how long did you stay up at Lenapah? A I was there until '93, he was there all the time I think I lived there in '93.
Q Well, now, you don't claim that he told you he was not a citizen of the Cherokee Nation? A Yes, sir, he did; of course he did, sir.
Q He told you he was not a citizen? A Yes, sir, and took out a permit under me and wanted a rock from me as a barber shop.
Q What year was that? A I think it was in '91, or '2, I can't tell unless I would refer to some records.
Q Do you know whether it was before or after the Wallace enrollment?
A It was before that.
Q How long before? A I t was, I could not tell just exactly, it was before that, and the Wallace roll was made and they was ever there and stayed a while.
Q The Wallace roll was made after that? A Yes, sir
Q Can you state about how long after that? A I think I went up there--I could not tell just exactly how long; it was not a great while after he got out the permits, the records will show the permit, John Martin at the courts here, he was deputy clerk in under Harden Frott and he has the record of the permit.
Q Who is John Martin? A He lives at Nowata, he was deputy clerk in my store at the time the permit was issued.
Q You think he has got a record of the permit? A Yes, sir, when a permit is issued it was placed on record and I think he has got it, he might have turned it over to Hardin and put it on the record there.
Q Now, the only reason for taking out that permit that you took out was that he wanted you wanted him to comply with the law in regard to letting him have his house? A Yes, sir.
Q You wanted him to have the house? A Yes, sir.
Q And told him unless he would take out a permit that he was a non-citizen you would not let him have it? A Yes, sir.

MR. HASTINGS: This man afterwards went by the name of Buffington, did he not? A Yes, sir, he went by Buffington and afterwards by Buffington, he took out the permit as Buffington, I think, Buffington or Pemberton.

MR. SMITH: Now, did you permit taking out, as Buffington or Pemberton? A Pemberton, I think.
Q You can't state positively? A No, I don't remember positively.
Q Did you know his name was Martin before you got the permit?
A I might have learned that during trial time.
Q He went by both names, all the time as well as you know?
A Yes, sir, everything that came about him as his name being Pemberton, he came from Lawrence, Kansas, some place.

The testimony taken by Stenographer Hopkins, is contained as follows: On part of Charles Martin:

Q What is your name? A Sim Rogers.
Q What is your age? A 42.
Q What is your post office? A Lenapah.
Q You were summoned to be here yesterday? A Yes, sir.
Q I believe you stated you missed the train? A Yes, sir, I missed the train.
Q Do you know a colored man by the name, goes now by the name of William H. Buffington? A Yes, sir, I am acquainted with him.
Q How long have you known him? A About ten years I guess, nine or ten years.
Q Where did you first see him? A I saw him at Lenapah.
Q Do you know where he come from when he come there?
A He told me he come from Lawrence, Kansas, that he was looking for a location for a barber shop, and I took him around to Him Tittle and introduced him to Jim Tittle.
Q This man who has just been on the stand? A Yes, sir, and he told me his name was Harry Pembleton at that time.
Q Was his family with him? A No, sir, by himself.
Q Did he claim to be a Cherokee citizen then? A No, sir.
Q How long after that before his family came? A It was sometime after that, it must have been 16 months or two years, somewheres along there.
Q How long have you livedin the neighborhood of Lenapah, where Lenapah now is? A Well, I was living there before Lenapah was made.
Q Well, about how long? A I have been living there altogether about 22 or 3 years, five maybe; I moved up there in '74.
Q And you have been living in that neighborhood since that time?
A Yes, sir.
Q Is there a timbered Hill six out west or northwest of Lenapah?
A Yes, sir.
Q How far? A About seven or eight miles, I don't know just the distrince, it is seven or eight miles.
Q Are you well acquainted up in that country, from the time you moved there? A Well, I know pretty much everybody in the neighborhood, that is in the country up there.
Q Did you ever see or hear of this Harry Pemberton or Buffington before he came down there? A No, sir, I never heard of him until the morning I saw him there, the morning he got off of the train there at Lenapah is the first time I ever seen or heard of him.
Q Do you know of your own knowledge that he took out a permit?
A Yes sir, I have-
Q I don't want you to give hearsay testimony? A I never saw the permit.
Q Only what he and this Tittles talked about? A Yes, sir.
Q Is this the man you are talking about? (pointing to applicant?)
A Yes, sir.
Q Is he a man that rented a barber shop from Him Tittle?
A That man right there is the man that came to Lenapah hunting a place to put up a barber shop.
Q And that is the man that rented a shop from Jim Tittle?
A Yes, sir
Q And that is the man you are talking about? A Yes, sir.
Q Do you know he went by the name of Harry Pemberton?
A He introduced himself to me as Harry Pemberton.
Q How long did he go by that name? A I don't know. Lots of fellows with Harry Pemberton yet.
Q Good Hill, there, he went by the name of Pemberton? Did he go by the name of Buffington? A No, sir, I never heard of Buffington until--oh, it was months after he came here in the country.

Q Well, how long? A I don't know just exactly how long it was, but he went by the name of Pemberton all the while and then some of them got to calling him Buffington and I thought it was just a nickname they was giving him.

Q Well, how long was it after he came there until you heard the name Buffington? A I don't know.

Q Well, give your best judgment, as to whether it was a year, six months, or how long? A I don't know.

Q You don't know whether it was a month or seven years, do you?

A No, sir.

Q You haven't any idea? (No response.)

Q Have you? A No, I don't know how long it was.

Q Did he have any children? A Now. When?

Q When he came there. A No, sir, he was by himself when I saw him

Q Did he have any family there at all? A Has a family there now.

Q How long was it after you first saw him until you saw any of the members of his family? A It was about 18 months or two years.

Q Well, what members of the family did you see? A I saw his boys, Will and Rube and Will's wife.

Q Name John? A That is his name, his name is Will, isn't it; I call him Will, I don't know what his given name is; I just calls him Will and everybody else calls him Will Buffington. It was about two years after I seen any of the members of his family.

Q What did you understand their name to be, what do you call them, what did you call Will? A They calls him Buffington now.

Q What did they call him then? A I don't know.

Q What did you call him? A I called them Pemberton.

Q Did you call Will Pemberton? A Yes, sir.

Q Was that time you speak of this was getting into the trouble before or after the Wallace payment? A It was after the Wallace payment.

Q How long after it? A I don't know, I was about a year I reckon; year or two years, I don't know exactly how long it was, it was some time after the Wallace payment.

Q And he had come you say direct from Kansas then? A No, I didn't say that, I said he told me that he came from Lawrence, Kansas, I didn't say he came direct from Kansas.

Q Well, where did he come from? A I don't know, he said he came from Lawrence, Kansas.

Q On that trip? A Yes, sir, I saw them had any kids.

Q Well, did he stay there two years before any of the members of his family came down? A He stayed there a good while, it was 18 months or two years before any of his family; he might have had them there, I never seen them.

Q They came out? A He said right there at Lawrence running a barber shop.

Q Now, you said that Pemberton has done there he didn't claim to be a citizen, and he was [illegible] where young [illegible], he was hunting a place to get to be a barber shop, and I asked him where he was from and he said he was from Lawrence, Kansas.

Q Was that all he said? A That was.

Q [illegible] and where was [illegible]? A [illegible] was looking for a [illegible] for a barber shop and I told him I [illegible] could tell him [illegible] and [illegible] and he said he [illegible] to me as being [illegible].

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A I don't

Q At the time you referred him to Jim Tittle the first time you ever saw him? A I think it was the first time; I know it was the first time I ever saw him.
Q Where was Jim Tittle living then? A He was living up there at Lenapah.
Q He was living at Lenapah? A Yes, sir.

Com'r Needles: This testimony will be filed with the original testimony of the applicant, and made part of the record in Freedmen doubtful cases #784, #785, #839, #556, #557, #558 and #559.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 18th, 1901.

Commissioner.

File with case of Bessie Buffington, et al., C.F.-D.#785.

Supl.C.F.-D.#555.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WILLIAM H. BUFFINGTON, ET AL., as Cherokee Freedmen, introduced on part of applicants:

APPEARANCES:
Applicant present in person and by Attorneys, Mellette & Smith;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

Mr. Davenport: The representatives of the Cherokee Nation object to any further taking of testimony in the original application until the Nation has closed its case of putting in testimony on behalf of the Nation.
Com'r Needles: The objection will be noted.

MARIAH BUFFINGTON, being duly sworn by Commissioner Needles, testified as follows on part of applicants:
M. MELLETTE: What is your name? A Mariah Buffington.
Q Where do you live? A I live here in the Nation.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know this man (referring to applicant)? A Yes, sir.
Q Who is it? A It is my son, Buffington's son; he is Rector Buffington's son and my son.
Q What child is he, is he your oldest child or youngest, or how is that? A He is my youngest.
Q How many children did you have? A Two and I don't want any more either.
Q Were you and Rector Buffington married? A Yes, sir.
Q Were you married before the war? A Yes, sir.
Q How long before the war do you think? A I don't know exactly, but I guess it was as near as I can; about 15 or 16 I reckon.
Q 15 or 16 years? A Yes, sir.
Q How old are you? A Well, I can't tell you.
Q About how old are you? A I can't tell, but I am up in 80.
Q Somewhere in 80 years old A Yes, sir.
Q Do people tell you how old you are? A Well, A. Bennett knows as near as anybody I know.
Q What did he say? A He said I was in 80.
Q You are somewhere in 80 years old now? A Yes, sir; I never had no learning.
Q You say this applicant here is your son by Rector Buffington? A Yes, sir.
M. DAVENPORT: How old is that applicant? A I don't know.
Q Do you know when he was born? A Yes, I know when he was born, but I could not tell you now.
Q Was he born before or after the war? A Long before the war.
Q How big was he when the war broke out? A He was up big enough to be thirty and I had to ship him to keep him down.
Q Just, where was he when the war broke out? A He was with me.
Q Where was you? A We was down about Elkhorn creek.
Q Don't you know where you was, what country? A I was here in the Nation. I didn't know much of the Nation only when I run off.
Q When did you run off? A In time of the war.
Q Really, where did you go? A I went to the army and then the army took me to Kansas.
Q Well, what part of Kansas did you go? A Don't ko, I don't know I couldn't tell you.

Q You don't remember what place you went to Kansas? A Yes, I do.
Q Well, what place was it? A To Lawrence.
Q Lawrence, wasn't it? A Yes, I can't remember.
Q You stayed at Lawrence how long? A I don't remember.
Q Don't you know when you left there? A Yes, they came and told me the Indians all coming back.
Q Well, when did you come back to the Cherokee Nation after the war? A I come back two or three times, I could not tell you.
Q How long did you live at Lawrence after the war? A I don't know.
Q How long did William H. Pendleton live there? A What Pendleton?
Q What man there (referring to applicant)? A That is not Pendleton.
Q When did William H. Buffington come back? A He come when I come.
Q Did this applicant to your knowledge ever work at the barber's trade? A Yes, sir.
Q He was a barber along in '65 and '6 wasn't he? A No, not in '65.
Q Well, in '66? A Yes, sir.
Q He was working in Lawrence at the barber's trade in '66? A Yes, sir, and he broke it up in '66.
Q He was working in '62 at Lawrence at the barber's trade wasn't he? A I don't know.
Q Where was he to your knowledge in '62, that is about 20 years ago? A I don't know.
Q He was not living with you, was he? A No, he was living to himself.
Q Where was he living? A He married.
Q He married in Lawrence, Kansas, or near Lawrence? A About that time.
Q He married earlier than '62 though, didn't he? A I don't know.
Q Well, he didn't come to the Cherokee Nation when you came?
A Yes he did.
Q Didn't you come before '62? A I come once by myself.
Q And you went back to Kansas? A Yes.
Q And when did you come the next time? A I come back; I didn't stay long.
Q Well, did you ever know that man, the applicant in this case, to go by the name of William H. Pemberton, or Pendleton, in Kansas?
A That was his nickname.
Q He went by that name Pemberton or Pendleton? A They called him first one name and then another, they had him nicknamed first one name and another.
Q He was a barber at the time they nicknamed him? A I don't know; he was a barber.
Q Now, Annie, what was the first time this applicant, to his own knowledge, first moved to the Cherokee Nation to live? A He come back--that's you. I came; he come with me to '62 and we all went back and there we came back again and Buffington came back and then I went back with him and then I went back to stay myself and then he came--went his wife back, and then he came, but I think that was [illegible]
Q What date was that? A I don't know what was '62, I forget which.
Q Will some one come to the Cherokee Nation the first time he came to this country? A He came back with me.
Q Did he marry in Cherokee Nation, Kansas, or in Cherokee Nation?
A [illegible]
Q [illegible]
Q [illegible]

Q I say when he left Lawrence the last time he moved down to near Coffeyville in the State of Kansas or Cherokee Nation, didn't he
A I don't know.
Q Where does he live now? A He lives not far from Lenapah.
Q He lives between Lenapah and Coffeyville, in the Cherokee Nation?
A Yes, sir, he lives there.
Q Have you ever been to his place? A I live there.
Q Now, Auntie, you lived near Coffeyville, Kansas, first? A Sometimes they tell me and I count down this way, and I don't know one from the other, only when I hear trains running.
Q When William Buffington, or Pemberton, or Pendleton, whatever his name is; didn't he come down in the Cherokee Nation right near where he is living now? A He has been living here all the time.
Q When he left Kansas didn't he come down to where he is living now?
A He has been living there where he is living now all the time.
Q He didn't live there when he lived in Kansas, did he? A No, sir.
Q You don't know of his being called Pemberton or Pendleton up in Kansas? A I don't care what they calls him.
Q Where is your husband now, is he living or dead? A He is dead.
Q Where was he living when he died? A He was, I took him up the creek, I forget the name.
Q Well, it was up in Kansas there, wasn't it? A No, sir.
Q Didn't your husband die in Kansas? A He didn't get in Kansas and died, but the Masons too k him and burried him.
Q His name was Rector Buffington? A Yes, sir.
Q When were you and Rector married? A Before the war.
Q Before or after the applicant was born? A Will you allow me to talk a few minutes to this man?

MR. KELLETTE: No, he wants to know whether you were married to Rector Buffington before William M. Buffington was born or not?
A I was married before.

MR. DAVENPORT: Where were you living when he was born?
A Living on Honey creek.
Q With who were you living with? A Living in the house with Aunt Diana and Uncle Peter.
Q Aunt Diana and Peter who? A Ridge.
Q Where were they living when he was born? A Over there.
Q Who did they belong to? A Ridge.
Q Who did you belong to? A Ridge.
Q Which one of the Ridges? A I belonged to John Ridge.
Q Well, how long had John Ridge been gone to California before the war broke out? A He was killed.
Q He was killed here before the war? A Yes, sir.
Q You didn't belong to John Ridge then before the war?
A They willed me to a boy, belonged to a boy.
Q What was his name? A Watt.
Q How far did you live from the Carey place on Honey creek?
A I don't know.
Q Did you know where that place was? A Yes, sir.
Q You have been living up there in the Cherokee Nation since your son moved down? A Yes, I have been living there; I came down first I came down and built me a house and I have got my room yet.

Q. Mr. DAVENPORT, the applicant, called and sworn by the enrollment division, testified as follows in behalf of himself:

MR. DAVENPORT: What is your name? A W. M. Buffington.
Q Are you the applicant in this case? A Yes, sir.
Q What relation was this old lady who had just left you related to your father in my mother.

Q Were you present the other day when the Cherokee Nation offered rebuttal testimony in this case? A I were first but I wasn't when Tittle was on the stand.
Q Well, now, J. M. Tittle, testified he secured a permit for you to live here in the Nation near Lenapah some time about the year 1890 or '91, what have you got to say about that? A I saw that Jim Tittle undertook to try to make me get a permit. I were in Lenapah very near two years before Jim Tittle ever moved there, and James Tittle came to Lenapah; I told-
Q You need not tell what he told; you say he tried to make you get a permit? A Yes, I rented a room fro m him; I bought it first in Tittle's place, and then I rented a room from him and he said all the damn negros that was up there, that he was going to move them out, that he was going to sell their places; he ~~had~~ advertised other places and George Lane and all of them up there, he advertised my place; he said I would have to get a permit if I had to stay in the town and I said I would get no permit and I am a citizen in this country , and he says God damn you you won't get the tools if you don't get a permit; Jim Tittle got my tools and locked them up and I could not get them and from that time men was just gathered, about three hundred--Ed Adair was the Sheriff--and they was going to kill him, that is the truth and organized about three hundred and we was in army for him to come by the lane--Ed Adair came up there and they excorted him to keep the men from shooting him, and he said-

Mr. Davenport: I object to what he said.

Q Did the authorities agree that you should not get a permit?
A Yes, sir.

Mr. Davenport: I object to that, it is not competent.

Com'r Needles: Note the objection and go on.

Q Did you compelin to the Indian Agent of the conduct of Tittle?
A Yes, sir, I complained to Agent Bennett.

Mr. Davenport: I object to that and what Agent Bennett said.

A I received a letter from Agent Bennett.

Mr. Davenport: I object to what Agent Bennett said.

Q Is that the letter? A Yes, sir.

Mr. Davenport: I object to any letter from Agent Bennett, for he was not a citizenship court and had no right to admit or deny a citizen of this Nation, or any other Indian Agent to admit or deny any citizen as a member of any of the Five Tribes in the Indian Territory.

Mr. Mellette: I file this, a letter of Indian Agent Bennett, dated September 14th, 1891, to the applicant here.

Com'r Needles: Same will be filed.

Q Did you hear Sim Rogers' testimony as a rebuttal witness against you? A Yes, sir.
Q What did Sim Rogers testify to in your case? A If I mistake not he testified to

Mr. Davenport: I object to what he said; if it is any part he said you want to contradict him-

Witness: I am going to contradict him; Sim Rogers at that time was in Kansas City working from bootlegging whiskey; Sim Rogers and Marie Chisom was after him and he was in Kansas City from selling whiskey.

Q At what time do you swear? A He closed in '90.
Q '90? A Give me the date of that letter, in '90; well, say, it was just about the time of this letter; it was about two years after this letter I received from, I mean after Agent Bennett ordered him to turn me alone instead of trying to make me get a permit.
Q What do you mean by that; what was two years after that?

A After I came to Lenapah.
Q You were at Lenapah when Agent Bennett wrote you that letter wasn't you? A Yes, sir.
Q What do you mean to say took place two years after that? Two years after that Sim Rogers was in Kansas City scouting. That is what I meant to say.
MR. DAVENPORT: Bill, how do you know it was two years after that he was in Kansas City scouting? A Well, I was right there.
Q You were in Kansas City yourself? A Yes, sir.
Q How do you know? A That fellow said he went.
Q You don't know it was two years after that time? A Yes, sir
Q When did Rufus Cannon first come up in that country about Lenapah? A I can't tell you.
Q Don't you know that Rufus Cannon never went up there until George Crump was appointed Marshall? A I don't know.
Q Was he a marshall before Col. Crump was appointed Marshall?
A I don't know.
Q Were you living up in that country when Rufus Cannon went up in that country up there? A Yes, sir, I first remember because I got acquainted with Rufus Cannon and he told me he was living about Nowata.
Q About how long had you been living up here when you got acquinted with him? A A long time ; I lived there before Jim Tittle went there.
Q When did Jim Tittle go there? A I think Jim Tittle come there in '91.
Q About how long had you been therebefore Jim Tittle went there?
A I was there about two yearsbefore Jim Tittle come there.
Q Where did you go from to that point? A What town.
Q To Lenapah I believe you said? A Yes, sir.
Q Now, where did you come from when you went to Lenapah?
A I moved from to Lenapah, where did I come from?
Q Yes, sir. A I come from over there to Littleston's.
Q Where was that? A That was about two miles from Lenapah.
Q How how long did you live over there;about Granson Littleston's wasn't it? A Yes, sir.
Q Now, about how long had you been living over there about Granson Littleston's? A About six months.
Q Where did you go from when you went to Granson Littleston's?
A Lawrence, Kansas.
Q Now, when you came down to Grandson Littleston's how did you come, on the railroad or wagon? A By wagon.
Q Now, when you came to Granson Littleston's was the Missouri-Pacific railroad running? A Not when I come it wasn't; they hadn't the road completed; I came to Grandson's before that and bought a place from Jameson before that railroad was completed.
Q Now, how long before that railroad was completed before you came down and bought that place from Jameson? A They was working on the railroad.
Q Now, that was the first time you came down preparing to move?
A No, sir.
Q Had you been down before that? A Yes, sir
Q Did you come down preparing to getting a place and moving before that? A Yes, sir.
Q Now, where was that? A [illegible]
Q That was the first time you had ever been down here looking about moving? A Yes, sir, that was the first time I had been down here since 1879; [illegible] I've got it right here I came down and went back and went back, didn't stay very long and went back, got back sometime about '90, about '91, probably in '90. I came back and I never came back since the end since the railroad went.
Q You were living in Kansas? A Yes, sir.
Q And came down to enroll at the Cherokee Court? A Yes, sir.
Q And went back to where your family was in Kansas? A Yes, sir.

Q You were running a barber shop in Kansas at that time, wasn't you?
A Yes, sir.
Q You know a fellow by the name of Smidth that lives near Coffeyville that spells his name Smidth? A Yes, sir.
Q You know Joe Smidth in Lawrence? A Yes, sir.
Q He knew you when you run a barber shop? A No, sir.
Q Did Joe Smidth know you by any other name besides Buffington?
A They called me, in my application I said they called me Pendleton sometimes and they called me Sance and I told you I went by them names, that is admitted; I expect to have Joe Smidth here in this case.
Q You met Joe Smidth in Coffeyville, Kansas, about a year or little more ago, didn't you? A I was at Joe Smidth's house last Sunday a week ago.
Q It was in Coffeyville, Kansas, after he came from Lawrence, the first time you met him? A No, sir
Q Where did you meet him? A I met him several places.
Q Didn't you meet him there in Coffeyville and didn't he meet you and call you Pemberton? A No, sir.
Q Didn't you say at that time that I am down in the Nation that my name is Buffington now? A No, sir
Q If that didn't take place there is no use arguing it?
A No, sir, that ain't so.
Q Didn't you move down in the country when the road was grading in?
A No, sir.
Q You moved to Gransson Littleston's A No, sir.
Q Now, when did you move to Gransson Littleston's with reference to the time they built the road through there? A I moved there
Q The road was running and completedwhen you moved there?
A No, sir.
Q How long had you been there? A The train was moving, x that I moved here, you mean after mother came down here? A I ain't asking you about your mother, you were a grown man then? A Yes, sir.
Q How old are you now? A I am about 51 or 52 years old.
Q You lived by Gransson about six months before you moved to Lenapah? A Yes, sir.
Q You had been at Lenapah when Jim Tittle came there and Jim Tittle came there about '91? A Yes, sir.
Q And then you got over to Gransson's about the latter part of '88 or early part of '89 didn't you, if you stayed two years and six months before '91? A I don't understand that; I said to you that I came to Gransson's, I was there about two years before Jim Tittle came there.
Q You said you had been at Lenapah about two years before Jim Tittle came? A Yes, sir, you asked me how long I stayed there and I was about a year.
Q How long had you been at Gransson's before you purchased that place, before you went to Lenapah. (No response.)
Q After you moved from the Gransson place how long before you went over there to work? A I moved out on my place there.
Q How long did you stay at Gransson's before you moved on your place
A about a year.
Q Then you moved on the place how long before you got this shop up there from Jim Tittle? A About a year I guess.
Q You had been down in the Cherokee Nation about two years before you got this shop from Tittle? A Yes, sir.
Q When was it you got this shop from Jim? A Shortly after he came.
Q About the time this letter was written? A Yes, sir.
Q Before you had been there about two years before '91, that was there at Lenapah, was there a little town? A Build up there at all until since that railroad came there, since that railroad was working there, there wasn't anything there.

Q Where was this shop of Jim Tittle's? A Jim Tittle built his house, built a store house at the same time he put a fence around Granson's.

Q I want to know where this shop was located? A Right close to Granson's.

Q I wanted to find out what place? A It was at Lenapah.

Q Now, was there a town there, was it Lenapah as a town, or what was the circumstance of your calling it Lenapah, was there a town there or what was it? A At that time; yes, sir, it had been made a station and when Jim some there the depot was there; the Depot was built there--Granson had a little store out there, and Jim come and put a six wire fence around it.

Q That was in '91? A Yes, sir.

Q And you had been down there two years before that? A Yes, sir.

Q Now, this railroad went through to Coffeyville, Kansas, in the winter of '88 and '89 didn't it, Bill, and they began to run trains on it? A Yes, sir.

MARIAH FRENCH, being duly sworn by Commissioner Needles, testified as follows as part of Applicant:

MR. MELLETTE: What is your name? A Mariah French is my name.

Q Where do you live, Mariah? A I live two miles east of Lenapah.

Q How long have you lived there? A 35 years.

Q Same place? A No, sir, not the same place, but in about two miles of the same place.

Q Are you a Cherokee Freedman? A No, sir.

Q You are a state raised woman, are you? A Yes, sir.

Q Well, what year did you come to the Nation after the war? A We came there in '66.

Q You know this applicant, William H. Buffington? A Yes, sir.

Q What year did you first see him in the Nation after the war?

A In the fall of '66.

Q Where did you see him? A I seen him pass through there.

Q Where? A He came there, down to my house him and one more man and got some corn from us.

Q Well, have you known him since he has lived up there at Lenapah?

A Yes, sir.

Q What do you know about a conversation between he and Jim Tittle about he getting a permit; I wish you would tell all you know about that.

Mr. Davenport: I object to that; it is immaterial.

Comr Needles: Objection will be noted and the witness will answer.

Q Then state what you know about him getting a permit there.

A I was there one evening when Mr. Buffington had Mr. Tittle's side room for a barber shop.

Q Where was that? A Lenapah and Mr. Tittles come and and said Buffington I want you to sign this paper and Buffington said what was it and he said it was a permit, and Buffington said I don't want no permit, I am claiming a citizen the same as you are and Tittle said if you don't get a permit you can't stay in there and Buffington said he would not do it, and I went home.

Q Was there any controversy between the colored citizens and white people? A I

Mr. Davenport: I object to that; it is immaterial, and does not tend to prove any issue in the case.

Q Was there any controversy between the white people and colored people? A Yes, sir.

Q What was the outcome of the trouble? A They had quite a trouble there there was about of four hundred men in arms and Mr. Tittle was claiming to sell all those popular places, big and Mr. McCarty was sheriff, going up to sell those places and they did sell Mr. Buffington's place, and put Mr. Buffington's things all outside and called up the house

Q Where place was that they sold? A Buffington's place was to the west of Lenapah about, having two sides and and doors, after they

nailed the door up took an axe and broke the door down.

MR. DAVENPORT: Were you there? A Yes, sir, I was there.

Q When was that? A If I mistake not I think it was in '89, '98 I think it was.

Q Well, '89? Mariah, it was '91, wasn't it; it was while Ed Adair was Sheriff? A Yes, sir.

Q Now, then, the railroad was built through there atthat time?

A Yes, sir.

Q How long had Buffington been running a shop there in town?

A I don't know.

Q He didn't put in a shop before the road came through there?

A Yes, sir.

Q What was there before the road was run through there? A I had a store there, and Buffington had a barber shop on the side rock to my brother's store; this was a little trading post then.

Q How long had Buffington been living there at Lenapah before this transaction took place? A I don't know.

Q You know what year he came there? A No, sir.

Q When did he move to your brother's place, Granson Littleston's?

A He never did live there, he tended some land there.

Q When was it he came to Granson's place you say? A The year before the Wallace Court.

Q He made a crop at the Granson place the summer before the Wallace payment? A Yes, sir.

Q Do you know that time the payment was? A I don't know.

Q Do you know anything about when Buffington run a barber shop in Kansas? A No, sir.

Q Did you know him in Kansas? A Yes, sir.

Q When did you see him? A In '66 when I came from there.

Q Had you known him before the war? A No, sir.

Q How large was he in '66? A As large as he is now.

Q A grown man? A Yes, sir.

Q And then you saw him when he came to this country with some other man in '66? A Yes, sir.

Q Who did you come to the Cherokee Nation with? A My father.

Q What was his name? A Stephen Littles.

Q Where did you locate? A Right close to the mouth of the creek, of Snow creek.

Q Who were your neighbors when you located on Snow creek?

A The Osages.

Q Who were your neighbors after the Osages went away? A There was Woodsey Lane and old man Love.

Q How long had you been there when old man Love moved up there?

A I don't know, they was out first neighbors.

Q You don't know where Buffington here was going when he stopped and got some corn? A Yes, sir.

Q You had been here long enough to make some corn? A Yes, sir. He came there in April and he came in September.

Q How did you happen to come in April? A My stepmother claimed a right there and she was coming home.

Q She came back here before the war closed, you say she came in April? A Yes, April '64, on the 26th day of April.

Q She heard of the treaty before she came? A Yes, sir and she was coming home.

Q Yes, anyway you came the April after the treaty was made?

A We came in '64.

Q Had you heard of the treaty before you came? A I didn't know anything about the treaty, I was 13 years old.

Q And Buffington was an old man? A He was as large as he is now.

Q Did you ever hear him by any other name besides Buffi again?

A I don't know.

Q Did you think Buffington didn't come to this country there before a short while before he moved to Lenapah? A That is the first I heard of that.

Q You had never been back up to Kansas where he lived? A No, sir, never been back before I came here.
Q What kind of a farm did you have there in '66, on Snow creek, your family? A They had a small farm when we first came there, the Osages had patches up there on the creek, two or three acres and we cleared up those patches.
Q How large a place is that, how much in the Cherokee-? A It is a good big place.
Q How far from the Kansas line? A I guess i t might be ten or 12 miles.
MR. MILLETTE: Where was Buffington going when he passed your place up here in the Cherokee Nation in 1866? A He said he was going to Fort Gibson.
MR. DAVENPORT: Who said he was going to Fort Gibson? A This man said he was going to Fort Gibson.
Q How old were you then? A I was 13 years old, when I came here.
Q How old were you in 1866? A I guess that made me about 14.
Q You hadn't been here a year before this took place? A No, sir, we came here in April and this was in September.
Q What made you remember you came in April? A We noticed everybody come in.
Q Was there any road leading down by Snow creek going in, road at all going towards Fort Gibson? A There was an old trail up there, cattle trail, and we just lived two miles from the trail and all those people that come here we cooked for them and they greased their cattle.
Q Well, when you saw Buffington was it after or before old man Love lived in there? A It was before, he had been farming for a man by the name of McDaniel.
Q You had never seen Buffington before you saw this man when he came in there? A I saw him in Lawrence.
Q He was running a barber shop? A I don't know what he was running.
Q There was a great many coloredpeople at Lawrence at that time? A Yes, sir.
Q Do you remember all you saw? A I remember about all I saw because the people I went to see was people I knew.
Q You were coming to this country? A Yes, sir? we was moving.
Q When did you next see Buffington after '66, as you claim?
A The next time I saw him was right up here on the hill, we was coming to the Fallace enrollment and we camped on Cabin creek.
Q Well, you had a conversation with him at that time, as to where he had been? A No, sir.
Q You hadn't seen him before '66? A We was camping there and he said I am going to eat and smell the coffey, and we loaded up and came on up here to Cabin creek.
Q You hadn't seen him now since '66 at that time? A No, sir.
Q And you didn't have any conversation about where he had been?
A No, sir, my father and mother was talking and I never put in when man was talking.
Q You did the talking when he got the corn up there? A No, sir; he came up and said I want some corn just like any other man would say.
Q Was he a witness in your case? A No, sir, he ain't.
Q Now, what did you next meet him after the Fallace payment?
A The best time I seen him he moved up to town.
Q Now, when was that with reference to the Fallace payment?
A I was living there.
Q Did he begin living up there a year after you met him? A Before the Fallace payment he moved down and in the Fallace payment he was living there.
MR. DAVENPORT: Now, Berry, you are an employee by reason of the fact that you were the [illegible] in this [illegible]? A Yes, sir, I received million dollars in '72.

Q You don't claim any right by virtue of being a slave in this country? A No, sir. I never was a slave.

DAVID MARTIN, being duly sworn by Commissioner Needles, testified as follows on part of applicant:

MR. MELLETTE: What is your name? A David Martin.
Q Where do you live? A I live in the Cherokee Nation.
Q Do you know William H. Buffington, the applicant here?
A Yes, sir.
Q How close do you live to Lenapah? A I live about six miles.
Q Do you remember a controversy between James M. Tittle and this applicant they had out there at Lenapah? A Yes, sir.
Q Do you know whether this applicant got a permit under Tittle then

Mr. Davenport: I object; the records will show if he did/

Mr. Mellette: That is what Mr. Smith said when Tittle testified he got a permit.

Com'r Needles: Note the objection and answer the question.

A I don't know that he get any; he had a barber shop and everything locked up trying to make him get one.
Q You don't know of his getting one? A No, sir, I don't think he did because I learned afterwards-
Q Was there any trouble there between this man and Tittle?
A Yes, sir.
Q What was it? A They had quite a fuss there, and shut up his shop and took his things out of his shop and put them in the hotel, the back of his store there to keep him from ussing them and he come up there one day and got after him and shot at him and run him off from the town.

MR. DAVENPORT: Were you there, Dave? A Yes, sir, I was looking at it and had me chained up.

MR. MELLETTE: They shot at Buffington? A Yes, sir.
Q What did they shoot at him for? A I don't know; they saw him come up and they got a crowd and shot at him and he run his horse off.
Q Was Tittle in that crowd? A John McDaniel, or Jim, one that got killed here at Claremore.
Q What did they have you chained up for?

Mr. Davenport: I object to that because it is immaterial.

Mr. Mellette: All right I will withdraw it.

MR. DAVENPORT: You are an applicant for citizenship yourself?
A Yes, sir.

Com'r Needles: This testimony will be made part of the record in the case at bar, and also Freedmen doubtful cases #784, #788, #639, #656, #587, #658, and #559.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this October 24th, 1901.

[illegible]

Commissioner.

File with Bessie Buffington et al., C. N. B. 785.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 1901.

Supplemental testimony in the matter of the application of William H. Buffington et al. C. N. B. 785.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants.

D. M. ALFORD, being first duly sworn by Com'r T. B. Needles, testified as follows: (on behalf of the Nation) (by Davenport)
Q What is your name? A. M. Alford.
Q Where do you live? A Lawrence, Kansas.
Q What is your age? A 53.
Q How long have you lived in Lawrence Kansas? A Since the fall of '72.
Q Since you have been living in Lawrence did you know a colored man named Buffington? A I was acquainted with a colored man we called Penelton.
Q What was the first name of the man you knew there as Penelton?
A Harry.
Q When did you first get acquainted with him? A In the winter of '72 or '3.
Q What business was he engaged in ? A Barber.
Q Was he running a barber shop in the city of Lawrence? A Either running it himself or also worked in a chair in one.
Q How long did he live there after you got acquainted with him? A Until the latter part of——until about '88 or '9, and then I saw him after that at intervals.
Q Did he have a family at that time? A Yes sir he did.
Q Did you know any of his family? A I cant say that I did.
Q You haven't seen this man Penelton since you came down this time?
A No sir.
Q How long since you saw him? A I have no distinct recollection of seeing him since the early 90's: my impression is that I have seen him once or twice since that time, but I am not sure.
Q Do you know his father and mother? A I know a man named Buffington that was his step father.
Q Did you know his mother? A I cant say that I did.
(By Mr. Smith)
Q What is your occupation? A an attorney.
Q You live in Lawrence? A Yes sir.
Q When did Buffington come there? A I dont know he was there when I came.
Q When was that? A In the fall of '72.
Q When did he leave? A He left——you have to remind
Q Yes sir? A I think it was in '90 or 1.
Q In what way do you fix the time? A Only by general recollection.
Q Just by general recollection? A Yes sir.
Q Why then do you say it was '88 or 9 [illegible] that you saw him last in Lawrence?
A [illegible]
Q So you don't [illegible] that he left [illegible] ? A [illegible]
Q You had to determine to remember when he left and that? A Only by a [illegible] I had with him up to the time he left, but I [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

Q With those you had been acquainted with? A I think so if I had been acquainted with them as long as I had with him.
Q Were you better acquainted with him than with any other colored man in Lawrence? A No sir, there were some others that I knew as well.
Q How many were you acquainted with as well as you were with Buffington? A A dozen I should say.
Q Have many of these gone away? A Not among the older ones.
Q You had no acquaintance with Lawrence prior to '72? A No sir.
Q And none with Buffington prior to '72? A No sir.
Q How large a place is Lawrence? A About 11,000 people.

H. S. Clark being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)

Q What is your name? A H. S. Clark.
Q Where do you live? A Lawrence.
Q What is your age? A 68.
Q How long have you lived in the city of Lawrence Kansas? A. Since April '57.
Q Did you know a colored man in Lawrence Kansas since you have been living there named Pemelton? A Yes sir.
Q What is his first name? A Harry.
Q What was his business there if you know? A After he got old enough it have any business he was a barber.
Q You went there in the spring of '57 you say? A Yes sir.
Q When did you get acquainted with him as a boy? A In the fall of '64, the first I recollect of him being in Lawrence.
Q Do you know his father and mother? A No sir I couldn't say that I knew them, I know where they lived.
Q Did you know their names——did you ever hear him speak of his mother or father? A I heard him speak of his mother owning property with him and I think it was in the fall of '8[illegible] he told me that Mr. Rector Buffington was his father.
Q Have you held any official position in that country since the war? A Yes sir I have been Sheriff of the county for six years.
Q Do you hold any official position at present there? A No sir.
Q During the time that you were in office there, do you know where this man Pemelton was? A Yes sir most of the time he was living in the same ward with me, same voting precinct.
Q What Ward was that? A Third Ward.
Q Do you know in what part of the city he lived in before he moved there? A We have a north and south Lawrence, he lived on the north side; the Kansas river runs through Lawrence and divides the city.
Q Did he vote and take any part in the elections there? A Yes sir, he was always very active in elections.
Q Did he own any property there? A I know he owned property, he told me it was his, he took me to see the property in '80, he wanted me to buy it and I went with him to look at it, he said that he and his mother owned it together.
(By Mr. Smith: I object to that as being immaterial.
By the Commission- The objection will be noted.
(By Mr. Davenport)
Q During the time you made those races for office, were you ever waited on by parties with reference to making the race? A Yes sir in the fall of '[illegible] I run for Sheriff; the Republican party there was very strong and they made the nomination of a man for Sheriff who was very objectionable to a great many people especially among the colored people, and a delegation of them came to me, among them was this man Pemelton, and they insisted on my running as independent race for Sheriff.
Q Who, Pem was there? A In the fall of '[illegible].
Q And they did run also Pemelton for Lawrence with reference to that time? A Both after my election there.
Q Was that the last year after '[illegible]? A Yes sir my term of [illegible] half after.
(By Smith)

Q This man Penelton you are talking about, he voted for you didn't he?
A Yes sir I think he voted for me about three times, every time I run.
Q Do you know Rector Buffington? A Yes sir.
Q Where did he live ? A In different parts of the city of Lawrence.
Q Was this man here Rector Buffington's son? A In the fall of '89 when I was running for Sheriff ~~on the~~ I, Mr. Penelton told me of a number of colored men whom I could count on to vote for me and among them he named Rector Buffington, and I said to him I didn't think he would vote for me as he was too staunch a Republican and he said that he thought he would be all right, that he was his father, that was the first time that I ever heard that, and I said to him "How does it come that he is your father and is named Buffington and you are called Penelton?" and he said "he is my step father.
Q When did you say Buffington or Penelton left there? A I think he left there about '91 as close as I can put it, I know it was not very long after my last election to the Sheriff's office.
Q Have you lived continuously in Lawrence since '5"? A Yes sir.
Q When did you first get acquainted with Buffington? A I saw him round, just to speak to him along in the '60's, I was not much acquainted with him.
Q When did Penelton run this barber shop? A I dont know if he run a barber shop himself, I dont suppose he did until in '70's, he used to work there in other barber shops when he was younger, as a janitor until he learned the business.
Q Do you know if the man you are talking about is the same man who has applied here for citizenship? A I haven't seen the man that has applied, I know Penelton told me he was a citizen.
(By Davenport)
Q You haven't seen him since you came here? A No sir, the last time I saw him was a year ago at Lawrence, he was on a visit there, and he said he was from the Nation.

. . . . . .

This will be filed in Cherokee Freedman cases, D-555; D-784; D-785; D-839; D-556; D-557; D-558 and D-559.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Charles Weise

Subscribed and sworn to before me this 26th of October, 1901.

T. R. Breedlove
Commissioner.

File with C. N. R-788.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April [illegible], 1908.

In the matter of the application of William H. Burrington et al for enrollment as Cherokee freedmen.

SUPPLEMENTAL TO F. R-688.

Applicants represented by Benjamin A. Smith.
Cherokee Nation represented by J. S. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas.
Q How long have you lived at Lawrence, Kansas? A About 34 or 35 years I think.
Q When did you first move to Lawrence, Kansas, or about what year? A I come to Lawrence, Kansas, about '86 or '87.
Q When you went to Lawrence, Kansas, or after you went there, did you get acquainted with a colored man by the name of William Burrington? A Yes, sir.
Q Where was he living at that time? A I don't remember just where he was living at that time; but he was living in Lawrence; I don't know whether he was living on the north or south side.
Q Do you know whether or not he had a family? A Yes, sir, he had a family.
Q Do you remember any of his children's names or did you know any of their names? A I know the children, but I can't call all their names.
Q Can you remember any of them? A Yes, sir, one of the girls was named Maggie, one was named Hector, the boy, one was named John, one of the girls was named Bettie, but I don't know what her other name was.
Q Did William Burrington and his family ever move away from Lawrence, Kansas? A I think they moved to Ottawa.
Q Well, did they leave your neighborhood and go away? A Yes, sir.
Q About how long did they stay in your neighborhood after you got acquainted with them before they moved away? A Why I should judge it was something near eight or ten years.
Q Did you ever work with or near William Burrington? A Yes, sir.
Q Where were you working at that time? A I worked with him on the dam at Lawrence.
Q That was after you had moved over to Lawrence was it? A Yes, sir.
Q Do you know where he was, he and his family, when they moved away from Lawrence, that is, of your own knowledge? A I don't know, but I heard that they had moved to Ottawa.
Q Have you ever seen him since he moved away from there? A No, sir.
Q And after you got acquainted with him they lived in that neighborhood by your house there for something like seven or eight or ten years? A Yes, sir, something like that.
Q [illegible] A I came to Lawrence in [illegible].
Q And you remember about your [illegible]? A Yes, sir.
Q How old was you then? A [illegible].
Q You don't remember what year he was born in? A No, sir.
Q How long after you got there did you get acquainted with William Burrington? A Well, it wasn't very long after I came, it was

during that year that I came.
Q You can't remember definitely the months or anything of that sort? A No, sir.
Q You don't know where Buffington was in '66, do you? A Not for sure because I don't know that I was in Lawrence in '66.
Q Well was he a white man or a colored man? A He was a colored man.
Q His name was William Buffington was it? A Well they called him Reck Buffington, I don't know whether his name was William.
Q He went by the name of Buffington? A Yes, sir.
Q Did you ever hear him go by any other name? A Well, If he did I don't remember it: always called him Reck Buffington.
Q When you first got acquainted with him up there he went by the name of Buffington? A Yes, sir.
Q And you got acquainted with him sometime probably in '67 or '68? A Well I think it's pretty sure that I come there in either '66 or '7. I got acquainted with him shortly after I come to Lawrence: don't know which one of the years it was, but it wasn't very long after I come there until I knew him.
Q Well can you swear at this time that he was continuously there after you got acquainted with him till he moved away? A Why I can't swear that he just stayed there all the time, but I know that he was there for a number of years, but I don't know—
Q You saw him there for a number of years: you can't say whether he would go away awhile or not? A No, sir.
Q Well how far is Lawrence from the line of the Indian Territory, Cherokee Nation? A Well, that I'm not able to say. I don't know how far it is, I've never heard just how far it was.
Q What county is Lawrence in? A Douglas.
Q How close is it to Parsons? A Parsons, Kansas?
Q Yes, sir. A I'm not able to say that either.
Q Well what town is there immediately south of Lawrence? A Ottawa. There are little towns south: Ottawa is the first one that's any size.
Q Do you know where Coffeyville is? A I never have been there.
Q Is Coffeyville south of Lawrence? A Yes, sir, a little southwest I think.
Q How far is Lawrence from Coffeyville? A I don't know: they say it's 141 miles.
Q Well, did you stay there in Lawrence continuously after you moved there? A After I moved there?
Q Yes, sir. A No, sir, I was in and out at different places.
Q You went to Colorado didn't you? A Yes, not then I didn't.
Q When did you go to Colorado? A I have been to Colorado in the last seven or eight or ten years several times.
Q Within the time that you say Buffington lived there in Lawrence you were out of Lawrence a good part of your time, were you not? A Yes, sir, I was out, backwards and forth.
Q Where would you go? A Sometimes I would go down in Missouri.
Q How long would you stay in Missouri? A Three and four months, six months sometimes.
Q Of course while you was away you don't know where Buffington was? A No, sir, I don't.
Q You are a single man? A I was then.
Q Where would you go besides Missouri? A Well, I would go around sometimes back down to where I used to live, I had brothers down there, and stay there probably two or three months.
Q Did you work away from Lawrence? A Yes, sir.
Q What would you do? A Well sometimes I would work on the railroad, most of the time on the railroad.
Q Then you didn't see this man Buffington there continuously after you got him up there? A No, I took him quite often.

Q. Quite strong, but I want you [illegible] five years from all the [illegible] and watch him all the time. [illegible] I [illegible] [illegible] a good many times.

[illegible] David-Then now then, you don't [illegible] [illegible] you would come back you would find this man Burrington [illegible] if you saw, [illegible] he have any children that would be any older than that, [illegible] Burrington, or did you know of any? A. I think he had a [illegible] by the name of Frederick.

Stipulation: This testimony will be taken down and made a part of the record in the following cases: Abraham Geary [illegible], [illegible], [illegible], [illegible], [illegible], [illegible], and in [illegible], the case at bar.

Arthur G. Swanger, being first duly sworn, states that he is stenographer to the Commission in the five civilized tribes and reported in full the testimony and proceedings in the above cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Swanger

Subscribed and sworn to before me this 26th day of April, 1907.

[illegible]

Notary Public.

To be filed with D 785

C. F. D. -559

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 28, 1902.

In the matter of the application of Georgianna Reeves for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-559.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR DAVENPORT: What is your name? A. Hattie Drake.
Q. Where do you live Mrs. Drake? A. Live in Lawrence, Kansas.
Q. How long have you lived in Lawrence, Kansas? A. I came the same year of Quantrell's raid.
Q. You have been living in and near there since the close of the war, have you? A. Well, I lived there awhile, lived in Ottawa a while.
Q. Well, while you was living at Lawrence, Kansas, at the close of the war did you know a family of colored people that went by the name of Buffington?
A. I knowed Uncle Rector and Aunt Mariah Buffington.
Q. Do you know whether or not they had any children with them when you first knew them? A. There was a young man, a young lady that lived there, I don't know whether there was other children or not.
Q. What was their names, do you remember? A. One was named Johnanna, I think she went by the name of Johnanna Pendleton, and the boy went by the name of Harry Pendleton.
Q. Well do you know what become of the girl, the one now you think was Johnanna? A. That is, do you know whether she ever married or not? A. I don't know that she did; I heard that she did.
Q. Well what became of Harry Pendleton as you knew him; do you know whether or not Harry Pendleton is still living at Lawrence?
A. Why, no, sir, I guess not; I haven't seen him there lately.
Q. How long since you say he lived in Lawrence? A. It's been quite awhile, I don't pretend to give no dates to these things, but as well as I can remember it must have been 16 or 17 years ago.
Q. Did you ever learn who the girl that was living there and went by the name of Pendleton and married, what was her name after she was married? A. Why I don't know; I didn't see them married; but I heard she married a man by the name of Reeves.
Q. What became of Rector Buffington, if you know, did he move away from there, or did he continue to live there till his death? A. He died there as I heard.
Q. Do you know what became of Mariah his wife, whether she's still living or whether she moved away? A. Why I heard she moved away.
Q. Now what is it that makes you think that Pendleton or Harry Pendleton was there, they were living there about six sixteen or seventeen years ago; is there anything that makes you remember that? A. I could not exactly tell you whether it's been that long or not, but Mr. Harry Pendleton, he kept a barber shop in Lawrence, and I have been by and around his place of business.
Q. Well, you remember any circumstance about how long ago it was since Aunt Mariah was there, or that is, with reference to the birth of any children or anything of that kind? A. Well, I couldn't tell just exactly how long it's been, but I have a sister that said Aunt Mariah was—
MR. DAVENPORT: I object to what her sister said; I object to what her

body said.
MR. DAVENPORT: Well what 's your best knowledged as to when they left there if they left there at all, Mrs. Drake? A. Aunt Mariah?
Q. Yes. A. Well, I couldn't tell you the date, but it's been seventeen years or maybe a little longer than that.
Q. Did they live in the city of Lawrence when you knew them? A. Yes, sir.
Q. You say that Pendleton as you knew him, Harry Pendleton, kept a barber shop or worked in a barber shop? A. Yes, sir.
Q. Do you remember anything about the street upon which he was in this barber shop or what number the street was, or Main? A. No, sir, I don't know the name of the street.
MR. MELLETTE: Well who was Harry Pendleton? A. I don't know sir.
Q. Who was his father? A. Why I don't know, I don't know whether he had any father or not, he lived with Rector Buffington and Aunt Mariah and I always heard that Uncle Rector was his stepfather, I don't know anything about that.
Q. Well where was Mariah Buffington in '66? A. I don't know.
Q. Where was she in 1867? A. I don't know, sir.
Q. Where was she in '68? A. I don't know that. I don't pretend to know these dates at all.
Q. Don't pretend to know where she was during that time? A. No, sir, not at those dates; I don't know; I know she lived in Lawrence.
Q. Well you don't know that the wife of this Pendleton that you are talking about is the applicant, is the person who is the applicant for citizenship, do you? A. No, sir, I don't.
Q. You don't know whether the woman you knew and this applicant are the same persons? A. I knowed a Georgianna Reeves; I don't know whether I knowedthis woman or not that you speak of, but I knowed a Georgianna Reeves.
Q. Now wasn't it Georgianna Riley that you knew? A. No, sir, I never knowed no Georgianna Riley.
Q. You swear that you didn't know a Georgianna Riley? A. Do I swear it
Q. Yes. A. Never knowed no Georgianna Riley that I know of. I ain't going to swear to nothing that I don't know positive, and I am going to swear as near as I can.
Q. Did you ever know a man by the name of William H. Buffington?
A. William H. Buffington? Q. Yes. A. No, sir. I might have knowed him but then I didn't know him by that name.
Q. Well now that Harry Pendleton that you talk about, did he ever go by the name of Buffington? A. Why he was Uncle Rector Buffington's stepson, so I heard; I don't know whether he ever went by the name of Buffington or not, but we always called him Harry Pendleton.
Q. Rector Buffington, he was Rector Buffington's stepson? A. I suppose lived there with them, I don't know anything about who— I heard he was his stepson. Q. Well who told you? A. My mother for one.
Q. Well now you say it has been about seventeen years since you saw him up there? A. Since I saw who? Q. Harry Pendleton. A. I said I guessed it was that long, but I didn't know that for sure.
Q. What was he doing when you saw him there? A. The last accounts I know of him he was in a barber shop, I don't know whether his own, or yours, or whose it was.
Q. Well where was Harry Pendleton in '66? A. I don't know, sir.
Q. Where was he in '67? A. I don't know sir.
Q. Didn't know him did you? A. I knowed Harry Pendleton, I don't know these dates that you are calling. Q. Didn't keep watch of him all the time? A. Q. Didn't keep
A. No, sir, it wasn't my business to watch him all the time.
Q. You don't have how long ago he left the barber shop that you speak of? A. No, sir, I never kept track of the time he left it.

Q. Were you an intimate acquaintance of his? A. I knew him well enough; knew him when I seen him.
Q. How long since you have seen him? A. I told you I didn't know; probably it was 16 or 17 years since I have seen him.
Q. You are not positive about that, are you, might it have been 20?
A. It might have been 40, but I said it was about 16, I said I thought it was about 16 or 17 years.
Q. But you are not positive that it's been just that long are you?
A. No, sir, I am not sure, I am not sure to these dates at all.
MR. DAVENPORT: You knew Harry Pendleton there, you knew he worked in a barber shop? A. Yes, sir.

COMMISSION : This testimony will be filed with and made a part of the record in the case at bar, D-559, and the following Cherokee Freedmen cases: D-555, D-556, D-557, D-558, D-559, D-734, D-785, and D-639.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

(Signed) P. G. Reuter.

I, Frances S. Botefuhr as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the foregoing is a true and complete copy of the original transcript.

Frances S. Botefuhr

Subscribed and sworn to before me this 30 day of May, 1902.

P. G. Reuter
Notary Public.

F. D.000.
File with Cherokee Freedman D- 788, Dennis Buffington et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27,1902.

In the matter of the application of William H. Buffington for the enrollment of himself, wife, and children as Cherokee Freedmen.

APPEARANCES:
Mellette & Smith for applicants.
J. S. Davenport for Cherokee Nation.

CHARLES TUCKER, being first duly sworn, testified as follows:

MR. SMITH: What is your name? A Charles Tucker.
Q Where do you live? A At Eufaula, Indian Territory.
Q How long have you lived in the Indian Territory? A Ten years the fourth day of this coming July.
Q How old are you? A Will be 42 years old the 15th day of this coming August.
Q Do you know William H. Buffington this man over here (indicating)? A Yes,sir.
Q How long have you known him? A I have known him since '76.
Q Where did you first know him? A At Lawrence, Kansas.
Q What was his mother's name, do you know? A Yes,sir.
Q What? A Mariah Buffington.
Q Do you know who his father was? A Yes,sir.
Q Who was his father? A Reek Buffington.
Q Did he have any brothers or sisters that you knew? A One only, I think one that's a sister.
Q What was her name? A I don't know as I remember her given name now.
Q Where did you first become acquainted with her? A At Lawrence, Kansas.
Q How long did you live at Lawrence, Kansas, after that yourself? A After-
Q You become acquainted with Buffington in '76? A Between fifteen and sixteen years.
Q Do you know anything of Buffington before 1876? A No,sir.
Q Where did this sister that you speak of live? A At Lawrence.
Q Did she live with the family or did she live separately from the family, how was that? A She lived individually, separately from the family as I knew her.
Q Was she married or single? A She was married.
Q Do you know what her name was? A Why her husband's name was Reeves.
Q Do you know of Buffington's leaving Lawrence at any time during the period of time that you knew him? A As I recollect I think he left Lawrence about the latter part of '79.
Q Do you know where he came? A I learned that he came to the Indian Territory.
MR. DAVENPORT: I object to that.
MR. SMITH: From whom did you learn it? A Why from parties that lived there in Lawrence, of course.
Q Did you hear him say anything about where he was coming? A No, sir.
Q What is your occupation? A I am presiding elder in the Muskogee District of the African Methodist Episcopal Church.
MR. DAVENPORT: How do I understand you, you first got acquainted with Buffington in '76 in Lawrence, Kansas? A Yes,sir.
Q What did he follow, do you know whether he had any trade or not? A Why I think he did.

Q Well, What was that? A A Barber.
Q Did you know him by any other name than Buffington? A I knew of them calling him another name, yes, sir.
Q What was that? A Pendleton.
MR. SMITH: Pendleton? A Yes, sir.

AMERICA EDMISON, being first duly sworn, testified as follows:

MR. SMITH: State your name? A America Edmison.
Q Where do you live? A Live in Lawrence, Kansas.
Q How long have you lived in Lawrence? A Why I have been living there about thirty years.
Q Do you know William H. Buffington? A Know when I meet him?
Q Do you know this man over here? A Yes, sir, I know him.
Q How long since you first became acquainted with him if you remember? A I came to Lawrence in '65, and I got acquainted with him.
Q Do you know what time it was in '65, what time in the year? A No, sir.-Yes, sir, I do, too, it was in November.
Q Well did - - Buffington leave there at any time after you became acquainted with him? A He left there about in '66, in the fall of '66.
Q Did he say where he was going?
MR. DAVENPORT: I object to that,-
MR. SMITH: Well that's competent, if he said-
MR. DAVENPORT: As being incompetent, immaterial and hearsay and testimony in the support of the applicant, manufactured upon behalf of himself in his own interest.
MR. SMITH: It is a well-known exception to the rule of hearsay that a statement made by a person, if starting upon a journey, is competent.
MR. DAVENPORT: Yes, if it turned upon whether he really did leave, but it it turned upon the motive for leaving it would not be admissable testimony.
MR. SMITH: (To witness) Well, you think he went away? A Yes, sir, he said he went away.
Q Well now did he say where he was going? A Said he was coming to the Indian Territory, Cherokee Nation.
Q Well did you know his mother, Buffington's mother? A I knew Rector Buffington.
Q Who was Rector? A That was the father.
Q Well did you know his mother at all? A I knew his mother, Maria Buffington.
Q How long was he gone from there that time he made that trip? A Well, of course I didn't particularly get the exact time that he were gone, but he was gone I guess some month or so, maybe two months, I didn't get the time that he was gone, nor didn't keep time how long he was gone.
MR. DAVENPORT: Did you know the applicant as William H. Buffington when you first got acquainted with him? A Yes, sir.
Q Have you ever since that time known him by any other name than Buffington? A No, I have never known him at any other time only by Buffington.
Q Has he ever been known by any other name than Buffington in the vicinity of Lawrence, Kansas? A I don't know nothing about that.
Q Well you have lived in Lawrence, Kansas since '65? A Yes, sir.
Q You have known William H. Buffington in '65? A I knew him by the name of William, don't know that he was generally known there by any other name than William H. Buffington. I don't know anything about that.

Q How far did you live from where Rector Buffington and Mariah, the mother and father or the reputed father and mother of this applicant lived? A Why about half a block.
Q How long did you reside continuously within a half a block of them in the city of Lawrence, Kansas? A I resided there by the side of them, I never set how long; there was a year or so.
Q Well after the death of Reck Buffington how long did you reside continuously near the mother of this applicant, Mariah Buffington?
A Well, she stayed there about, well I didn't keep time; she stayed there I guess about five or six months after he died, and she come to the Territory; of course I didn't keep time now I didn't set it down to keep it in particular.
Q How long did Rector Buffington live after you got acquainted with him? A I don't know that either.
Q Well how long did Mariag Buffington live in the city of Lawrence, Kansas, after '65? A I didn't keep count of that either.
Q Well to the best of your knowledge did she live a year or ten years? A I don't know anything about that, I didn't keep no count of that.
Q Have you no opinion whatever as to the length of time she lived in Lawrence, Kansas? A I don't know.
Q How long did William H. Buffington live in Lawrence, Kansas, after you got acquainted with him? A How long did he live there after I got acquainted with him! He lived there, he was backwards and forwards.
Q I am asking you about living there; I am not asking you about here? A I don't know, I say I didn't keep track of the time.
Q Well where did he go when he was backwards and forwards? A I don't know; they was in and out.
Q Didn't you know that William H. Buffington lived in and around Lawrence, Kansas, for a number of years after the war? A No, I don't know that either.
Q Do you know whether he ever worked in a barber shop? A He worked and jobbed around right smart at other things.
Q Well do you know whether he jobbed at a barber shop? A I don't; I know he worked for the barber shop part of the time, but I never counted how long.
Q Well do you know whether he stayed there and- A You question and cross-question me so much, I told you I didn't know; I have got no books, not a bit.
Q How do you know you got acquainted with him in '65? A Because I know I did.
Q What makes you know it? A Because I know what time I come there and learned it from people.
Q Well when did you go to the city of Lawrence, Kansas? A I told you a while ago when I went there.
Q Well tell me again; I am asking you to tell me now? A I have been there in Lawrence, come there in '66.
Q That time in '66 did you go to Lawrence? A November, '65.
Q What year did William H. Buffington marry? A '67.
Q Where was he living at the time he married? A Well I told you he was here in the Territory.
Q Just answer my questions please? A Of course he was living in the Indian Territory when he married, but he come to Lawrence and married.
Q How do you know he came from the Territory? A Well there's where he said he came from; I have got no other way.
Q When did you first think about what he said about it; answer my question. A There's no necessity.
Q That's your judgment; I am quite aware of the fact that you don't want to answer them; what did you say, it seems that you don't care to answer that? A It seems to me that I have answered the questions

over and over.
Q No, you are mistaken now; I am not asking the same questions over and over; I am examing you as I have a right to do. A I know you have a right, but not so much of it; I have been in court before.
Q You show a great deal of dexterity I'll confess; just answer the questions to the best of your ability; tell whether or not you can answer the question. A I didn't think anything about him only just he told me that he had been here; that's all I had to know by.
Q When did William H. Buffington move his family away from the city of Lawrence, Kansas? A I don't know that either.
Q Do you know whether he had a family? A Yes,sir, he had a family.
Q Do you know in what part of the city- A When he married my daughter-
Q You are the mother-in-law then? A And come to the Territory-
Q Well let's get a- A And when they got back the oldest child was born.
Q Which one was that? A The oldest one.
Q Well what's the oldest one's name? A Anna Allen.
Q Well don't you know that William H. Buffington in his testimony says Anna was born in Kansas? A Well didn't I tell you she was born in Kansas when they got back from the Territory?
Q They come back up there for their children to be born? A Only that one.
Q Where was Reuben born? A I don't know where he was born; born in the Territory somewhere; I don't recollect.
Q How old is Reuben? A I don't know that either.
Q Well is he a year old or twenty years old? A I don't know that either; don't know about how old.
Q Do you mean to say that you never saw the child Reuben? A Don't mean to say that.
Q Well have you ever seen him? A Yes,sir, I have seen him; but I don't know his age.
Q You came down with William H. Buffington down here to the Territory? A No,sir, because I stayed in Lawrence.
Q Where was William Buffington in '88 A I don't know; living somewhere in the Territory.
Q Do you know a man by the name of Alford, that lives in the city of Lawrence, Kansas? A Alfred what?
Q Alford, D. S. Alford. A No, I don't know him.
Q Do you remember a man by the name of D. S. Alford who was sheriff of that county for a couple of years? A No, I don't know him. I lived in that county in '88, '90 and '91, I lived there in that county at that time; and there was a great many people that I don't know, if I do live there.
Q You don't know anything about the process although you have been to court? A I didn't say I have been to court in the county; I went down in Osage County in court.
Q Well had he moved away from Lawrence before '88 with his family? A I don't remember whether he had or not; I told you a while ago I didn't keep count of the time; now they was passing backwards and forwards.
Q Had he moved away from Lawrence with his family in '92? A I don't know whether he had or not.
Q Did you ever know a man who lived in Lawrence, Kansas, by the name of H. S. Clark? A No, I don't know him either.
Q Don't know him while he was sheriff of that county? A No,sir. Had no dealings with him to know him.
Q In fact now, you don't remember anything about it in '88 and '90 in regard to William H. Buffington,sir? A Yes,sir. I remember I told you I remember his father and his mother.

Q Well can you tell me another year outside of '65 and '6 that you know where William H. Buffington was? A I told you he came back to Lawrence in '67.

Q Did he come back to Lawrence in '67? A I told you that he said he came from the Territory here.

Didn't you say that he went in the fall of '66, November? A No-vember, no,sir, I didn't.

Q Well what did you say about November? A I said he come to the Territory in '66 in the fall; I didn't know whether November or what it was.

Q Well he was gone about two months, is that it? A I don't know how long he was gone.

Q Didn't you say a while ago about two months? A No, I didn't.

Q Well was it about two months? A I didn't tell you.

Q Was it about two years? A I don't know.

Q Well was it about two days; was he gone at all? A I guess you think-

COMMISSION: Answer his questions if you can.

Witness: No, he was gone more than two days.

MR. DAVENPORT: He was? A Yes,sir.

Q You was his mother-in-law at that time? A No, wasn't his mother-in-law at that time.

Q Was you in sixty? A Sixty what?

Q Now in '66 was you his mother-in-law? A No I wasn't his mother-in-law.

Q You didn't live near him till he lived in North Lawrence in '66 did you? A I don't know whether he lived there or not.

Q Well isn't there a river runs through Lawrence, the city, and divides it in two? A Yes,sir. I got acquainted with him in '66 and I don't know whether he was living in North Lawrence or not.

Q Well when did you first recollect he was living? A He lived here and there and everywhere.

Q Well when you first knew where his home was? A Lived in North Lawrence, and he lived in South Lawrence part of the time.

Q When you first learned where he was living in what part of the city was he living? A He was living in South Lawrence, that's the first I got acquainted with him.

Q Then if he didn't move to South Lawrence until '69 then you never know anything about where he lived until that time, did you? A Moved there in '69?

Q If he didn't move into South Lawrence in the same block where H.S. Clark lived, until '69, you wouldn't know anything about where he lived before that? A Don't know anything about where H. S. Clark lived, anything about what part of the city.

Q You don't know anything about what part of the city he lived un-til he moved into South Lawrence, is that correct? A There's where he was living when I first got acquainted with him.

MR. SMITH: Do you know whether William Buffington had any brothers or sisters? A He has one sister.

Q What's her name? A Josephine Buffington.

Q Did she ever marry? A Yes,sir, she's married.

Q What's her husband's name? A His name was Black Reeves.

Q Where did she live after she married? A She lived part of the time in Lawrence and part of the time she was away from Lawrence.

Q Where did you live before you went to Lawrence? A In Independence Missouri.

MR. DAVENPORT: Then did Josephine Reeves marry, or Johnnie Buffington marry Reeves? A I don't know what time they married. I don't know a thing about what time she was married. I wasn't at the wedding nor nothing.

Q Was she 16 before or after Buffington married your daughter? A I don't know whether 16 one or not.

Q Did you get acquainted with her before or after Buffington married your daughter? A I got acquainted with the family about the same time.

Q About the same time that he married your daughter? A About the same time, I say, I got acquainted with him I got acquainted with the whole family.
Q Well was it before or after your daughter married? A I told you I got acquainted with her before he married my daughter.
Q About how long after you went to Lawrence- A I don't know that either.
Q Now what is it you don't know? A That's all.
MR. SMITH: What was this woman's name, this Reeves woman, her first name? A Johnanna.

JACK CROUCH, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Jack Crouch.
Q What's your postoffice? A Coffeyville, Kansas.
Q What's your age? A 47.
Q How long have you lived in Coffeyville? A Since '71.
Q Where did you go from to that portion of the country? A Went from Lawrence, Kansas.
Q You know this man here, William H. Buffington? A Yes,sir.
Q When did you first get acquainted with him? A I got acquainted with him about '64 somewhere along there.
Q Where? A Lawrence.
Q Did you know his father? A Mr. Buffington, the old man Buffington. Rector Buffington? A Yes,sir.
Q What was his name? A Rector Buffington.
Q Did you know his mother? A Yes,sir.
Q What was her name? A I don't remember her name; I know her well though, Mariah I think, Mariah Buffington, that's what it is.
Q Did you live in Lawrence? A Well I lived about a mile and a half from Lawrence, right down on the river.
Q Well at that time where was William H. Buffington living? A He was living there in North Lawrence.
Q Living in Lawrence, North Lawrence you say? A Yes,sir.
Q What time did you say you left Lawrence, about what year? A '71.
Q After you became acquainted with William H. Buffington do you know whether he left that part of the country at any time, and if so about what time? A Yes,sir, he left there; he left there in '76, he and several others, at that time there was, well at that time there was a whole lot of them.
Q Were you there then? A Yes,sir.
Q Well you don't mean '76. A No, not '76, I mean '66.
Q You have stated that you had left there in '71 yourself. A I left there in '71, yes, sir.
Q Well do you know where he went to in '66? A Well they said he was going-
MR. DAVENPORT: I object to what they said.
Witness: Well I don't know whether he said it personally or not.
MR. DAVENPORT: The representative of the Cherokee Nation objects to the witness giving any testimony as to what was said about where the applicant went.
COMMISSIONER: The objection will be noted; answer the question.
MR. SMITH: Go ahead and state what you-
A When I knew him I used to know him well, we and my brother, and we used to call around to Mr. Buffington, and at that time I was up a kind of a mile about there and at that time Cherokee Bloggers had to go to the Nation, and of course I noticed Cherokee Bloggers had to go to the Nation, and of course I noticed that, because I knew several of them, and then they was talking that, because I knew several of them, and then they was talking about it they was all getting ready and was going to the Nation (Territory).
Q Did Buffington say anything about where he was going? A Yes.
Q Did Buffington say anything about where he was going? A Yes.
Q He said he was going to the Territory.
Q Did he say anything about Cherokee Nation?
Q Another Nation? A Yes,sir.

Q Well did he go away from there, did you miss him from there? A Yes,sir, he went away from there, never bought any more wood, we used to sell him wood all the time.
Q When did you next see Buffington after he went away at that time?
A I have seen him in Coffeyville after he come down here.
Q Coffeyville, Kansas? A Yes,sir.
Q Did you ever see him any more in Lawrence? A No, I never.
MR. DAVENPORT: Now you say you was hauling wood to Buffington?
A Yes,sir.
Q That was in '66, before he left and come away from there? A Yes,sir.
Q What kind of wood was you hauling? A Stove wood.
Q You was cutting it yourself I suppose? A No,I wasn't.
Q Where was you cutting the wood? A Cutting it in the timber.
Q What place? A I don't know whose place it was; it was a place we had rented.
Q You was big enough to haul wood and didn't know whose place it was? A Who the farm belonged to?
Q That's what I mean. A Hanskum.
Q Well now you left there in '71? A Yes,sir.
Q Buffington, so far as you know, went away from Lawrence, Kansas, in '66, and didn't get to haul him any more wood after that? A No,sir.
Q You have never lived at Lawrence, Kansas, since '71? A Well I have, yes,sir, I have lived there.
Q What years did you live in Lawrence, Kansas, or parts of years, since '71? A I don't remember.
Q Well was it before you left there in '71, that you left there after Buffington left? A Was it before or after? A
Q Yes,sir, I want to know which it was? A Well it was after, I went back there.
Q Now you don't mean to testify, you say that you knew what year you left there in, and that you went back after that and don't know what years it was? A That railroad through there.
Q You have never lived in Lawrence since? A Well I worked there a while, I worked on Bowersock's dam a while; I don't remember just what time.
Q Well when you was working on Bowersock's dam do you remember D. S. Alford? A No,sir, I don't.
Q Do you remember a colored man by the name of Drake? A Yes,sir.
Q Do you remember his wife? A Mattie Drake? A I forget her name.
Q Now if those two parties that I have named have testified that Buffington was up there in '72, is that correct or not?
MR. WEIR: I object to that because it is not proper to call upon a witness to pass upon the testimony of other witnesses.
MR. DAVENPORT: I want to know; the gist of the question is this Was Buffington living in Lawrence, Kansas, in '72; that's what it means. A I don't know whether he was or not; I don't think so, I never seed him any more after then.
Q Did you continue to live in Lawrence, Kansas, or near there from '66 up till '71? A Yes,sir.
Q Did Buffington live in the city of Lawrence, Kansas, and work in or run a barber shop in the city of Lawrence, Kansas, between the years of '66 and '71? A I don't know whether he did or not; I never seed him.
Q You wasn't very well acquainted with Buffington and his family after you came down here to Coffeyville. Where was Buffington living in '72? A In '72?
Q Yes,sir. A I don't know.
Q Where was he living in '67? A '67?
Q Yes,sir. A Well I suppose he was living down in the bottom.
Q Don't you know that he came- A No that's there in Lawrence at that time.

Q Don't you know that his mother-in-law has testified not five minutes ago that he came back there in the fall of '66 or early part of '67 to Lawrence, Kansas?

MR. SMITH: That's objected to. That's a question that's incompetent to put to the witness.

COMMISSION: Answer the question if you can.

Witness: I don't know whether she did or not.

MR. DAVENPORT: Well do you mean that you lived in and near Lawrence, Kansas, in '66 and never saw Buffington in there from that time on till '71, when you moved down to Coffeyville? A No,sir, I never seed him there no more. I remember of only two men that I was working with, and they used to call them bad men, Keiser and Ben Bean, and several more of them, which said they was going to the Nation.

Q Did you live in Lawrence, Kansas, in the city or out in the country? A I lived in the country.

Q Never did live in the city? A Oh, I had a grandmother lived in the city.

Q Where did she live from where Buffington's father and mother lived? A She lived away down in the east part.

Q Now you was about how old when you first got acquainted with Buffington? A I was about nine or eight or nine years old.

Q And that's when you was hauling the wood to him? A Yes,sir.

Q You did the driving of the team yourself? A Yes,sir.

Q Now how old was Buffington then? A I couldn't tell you.

Q Well was he a grown man? A Yes,sir, he seemed to look like he was a man, he was a barber.

Q Well when did he get married? A I couldn't tell you.

Q Do you know whether he left at all or not? A No,sir.

Q Now you don't know about that because you didn't see him since '66? A Yes,sir, I have seen him, yes,sir.

Q Well since you got acquainted with him or saw him down in Coffeyville in '71 has he ever gone back to Lawrence, Kansas, and live there continuously? A I couldn't tell you.

Q You don't know whether he has lived there since that time? A No, sir.

Q You don't know where he was living since '79? A He has been in the Nation, I seen him coming from the Nation, him and my father was very well acquainted a long while.

Q When was you first at Buffington's house in the Nation if ever? A O... yes,sir, I have been down there.

Q When was that? A I couldn't just say when.

Q Was it a year ago or four years ago? A Oh, it's been, I couldn't just say when it was, but I have been to his house, I don't remember just how long it's been.

Q Well it wasn't in '71 was it? A No,sir.

Q It wasn't in '72? A No.

Q It wasn't in the 70's at all was it? A No.

Q Don't you know that Buffington never moved into the Cherokee Nation until just before the Kerns-Clifton roll was made? A I don't know I told you they said they were going to the Nation.

Q Then you don't know when he came to the Nation? A Only what I heard.

Q Please answer just what you know.

COMMISSION: Do you know of your own knowledge when he came, when he moved to the Nation at all to live?

Witness: When they came away, as I say, all I know they said they was going to the Cherokee Nation.

MR. DAVENPORT: Well I ain't asking you what they said, when did you first learn of your own knowledge that Buffington or his family was living in the Cherokee Nation, that is, by being in their place or passing through the country where they were living and see them living there? A I don't remember.

Q Well I will ask you if it isn't a fact that it was after '92? A No, I seed him all along up in the '70's, I see him in '72 and '73.
Q Living in the Cherokee Nation? A Supposed to be.
Q That's the trouble about it. A He was coming that way when I seed him.
Q When was you first at Buffington's house in the Cherokee Nation?
A I don't remember.
Q Was it before or after '92? A I don't remember.
Q Do you remember whether you came down here on the train or in a wagon to the town of Muskogee? A Why I think I did.
Q Well which was it? A I think I come in a train.
Q Well just state in about what year you saw Buffington living in the Cherokee Nation if you ever saw him? A I seed him backwards and forwards through there, I never was at his house, I mean backwards and forwards, only just coming through town.
Q Now if you had told me that a little while ago we would have four pages of record out of the way.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen Cases: D-839, Reuben Buffington, D-784, Marie Buffington, D-785, Bessie Buffington et al, D-556, Anna Allen et al, D-557, William H. Buffington, Jr., D-558, John Buffington, D-559, Georgianna Reaves et al, and in the case of William H. Buffington, the same being the case at bar. The above applicants are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 8th day of July, 1902.

P. G. Reuter,
Notary Public.

SEAL.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and the same is a true and correct copy of the original.

[illegible]

Subscribed and sworn to before me this 10th day of August, 1902.

[illegible]

Form 5-400

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1906.

In the matter of the application of HENRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by McKinnis & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitaker, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not lead to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time required in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the note is incompetent, irrelevant and immaterial, and does not lead to prove an issue in this case. Third: Because the decision will not judicial knowledge of the law, whether any person has a claim for the determination of the right of any person who makes application for enrollment. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the case is called and filed in each individual case.

Counsel for [illegible]

[illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

[illegible]

Subscribed and sworn to before me this July 29, 1902.

[illegible]
Notary Public.

No. D. 785

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 12 1901. 1901

Attorney for applicant

[illegible]

[illegible]

[illegible] A. D. 1901

[illegible] A. D. 1901

[illegible]

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NOTICE!

IN THE MATTER OF the application of Bessie Buffington for enrollment as a Cherokee citizen:

Case No. D 785

To Bessie Buffington or Mollotte & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell

N. W. Harris

Attorneys for the Cherokee Nation.

SPECIAL. COPY. CRW.

W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.13019-1907.
I.T.D.7946-1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 28, 1907, you recommended that Departmental action granting the application for the enrollment of Mary Beeson, and her children, Sanford, Clifton, Mercy and Christyann Beeson, be rescinded in so far as it grants the enrollment of said persons as Cherokee freedmen and that their application for enrollment as such be denied.

The Department concurs in your recommendation, and the application is accordingly denied.

A copy of your letter, together with a copy hereof, has been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 enclosure, with
copy hereof to Ind. Off.

A.P.Ho.
I.T.D.

073

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
1337.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Mary Beeson, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. 6-24

Cher. Fr. D-786

Cher. Fr. D-786

OK

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COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 9 1901

CHAIRMAN

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1902.

In the matter of the application of Posey Gibson for enrollment as a Cherokee Freedman, said Gibson being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Posey Gibson.
Q How old are you? A 23.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q Do you appl. to be enrolled as a Cherokee Freedman? A I suppose so.
Q Who do you want to enroll besides yourself? A No one but myself.
Q What is your father's name? A Lewis Gibson.
Q What is your mother's name? A Mary Gibson.
Q Is Lewis Gibson living? A Yes, sir.
Q How is Mary, is she living? A No, sir, she is dead.
Q Is your name on the roll of 1880? A I don't think it is.
Q Did you draw what is known as strip money? A I drawed the Wallace money.

The 1880 Authenticated and 1896 census Roll as Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 115, #2425, Posey Gibson, no district given.

Q Where were you born? A On Short Creek.
Q Where Nation? A Yes, sir.
Q Lived here all your life? A Yes, sir.

COM'R NEEDLES: Posey Gibson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896, or Kern-Clifton roll, but is identified upon the Wallace Roll. He avers that he was born and raised in the Cherokee Nation and is a son of Lewis Gibson who was listed for enrollment on doubtful card #774, and the testimony taken in said case will be made part of the record in the case at bar and a copy thereof filed herewith. He will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card and will be notified of the action of the Commission in the premises.

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J. O. Bowen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of July, 1902.

Commissioner

To be filed with case of Peggy Gibson, C. F. #786.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, Attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS GIBSON, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Gibson.
Q What is your age? A I can't tell my age.
Q About how old? A I don't have any idea; well I may be 59 or somewheres along there, or maybe older.
Q What is your post office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Your name on the roll of 1880? A No, sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.
Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified thereon, page 102, No. 2344, Cooweescoowee district, Lewis Gibson.
The Wallace roll examined and the applicant identified thereon, page 115, No. 2481, District not given.

Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you live? A On Grand River.
Q Who was your master? A Levi Childers.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.
Q His wife was a Cherokee? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott.
Q Kansas? A Yes, sir.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When did you come back? A In '64.
Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and couldn't travel alone.
Q What was your father's name? A Peggy Gibson.
Q What else were you at that time? A I was grown, I can't tell just what also.
Q Remember how much they brought you for? A Yes, sir, brought me to Snow Creek, Cherokee Nation.
Q Where have you lived along and there? A Still living there yet, living right on that Creek? A Yes, sir, same place.
Q How long has your father been dead? A I don't know exactly, have to think, I don't know exactly, I am not able to tell.
Q Was your father a slave also? A No, sir, he was a free man, he lived amongst whites also, and he married with the Cherokees and lived there among them all his life.

Q What was your mother's name? A Caroline.
Q Caroline Gibson? A Carolina Childrers, she was known by, I think her name is on the 1880 roll by Charles.
Q Charles? A Caroline Charles.
By Mr Hastings: Did you come back with your mother?
A No, sir, came back with my father.
Q Have you been married? A Yes, sir,
Q Where were you married? A I was married in Kansas.
Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
Q What was her maiden name? A I don't know her maiden name.
Q Don't you know her name when you married her, Mary what?
A Why Carbin I guess was her name.
Q You married after the war? A Yes, sir.
Q Were you born blind? A No, sir, my eyes got put out.
Q Before or after the war? A Before the war.
Q The time you married in Kansas your first marriage? A Yes,sir.
Q You have any children by that marriage? A Yes, sir.
Q What was the oldest one's name? A Napoleon.
Q What was the next one? A William.
Q And the next one? A Rosanna.
Q The next one? A Peasy.
Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
Q You think he is more than two years older? A Yes, I expect he is.
Q You think more than three? A Well, sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
Q How much older is Napoleon than Rose? A Napoleon, I can't tell you, Napoleon I think is about thirty years old.
Q He is your oldest child? A Yes, sir.
Q Napoleon born in Kansas? A No, sir.
Q You were not in the army before you were blind? A No, sir.
Q Was your father? A No, sir, I had a brother was younger.
Q Your father marry again in Kansas? A No, sir.
Q Do you know what year Peasy was born in? A No, sir.
Q What year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
Q You know what year Napoleon was born? A No, sir.
Q Know what year Wallace paid the money? A No, sir, I can't remember that.
Q Know what year the Kern-Clifton Commission sat and then they such a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
Q You are not good at dates? A No, sir.
Q Know what date this is? A Well now, sir, I don't remember what date this is.
Q Did you come in at in the spring or fall? A In the fall.
Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
Q What part of the Territory did you come to? A I came to Snow Creek.
Q About how far from the mouth of Snow Creek? A Why I am like, I guess about a quarter or a half a mile from the mouth of a line.
Q To that day you are now located? Yes, sir.
Q When you first came here? A I located just on the other side of the creek, I am living on the west side now.
Q You located right there on the same place? A Yes, sir, right on Snow Creek.
Q On west side and you are now living somewhere? A On the east side.
Q On east side and you are now living? A Yes, sir.

Q Anyone else came along with you except your father and you?
A There was other folks along but of course I can't say who they were, there was some other wagons.
Q Do you remember any of them? A I remember Joe Ross was along, I wasn't acquainted with the other folks much, and of course I don't know.
Q Nelson Murrell wasn't along? A Yes, sir, I think he was.
Q You remember that now? A Yes, sir.
Q You remember coming through any town coming down here?
A No, sir, I can't t ell hat we came through.
Q You didn't hear them t alk ing about any town or place?
A No, sir.
Q What was the n arest town to you when you first located up there at Snow Creek? A T here wasn't any town.
Q Well, the ne arest trading point? A There was no place we went and traded, I don't know of anh place there was to trade when we came there.
Q Well, who had located up in that country before you?
A No one as I know of.
Q Did you ever hear of Alex Genner up there? A No, sir.
Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.
Q Nobody living on Snow Creek when you came there? A No, sir, none at all; there was one family , Caroline Adair, Amos Adair and Caroline, they were the only people I know anyt.ing about being there wh n we were there.
Q That was in the fall of '66? A Yes, sir.
Q Anybody else you can think of? A No, sir.
Q Never knew anyone else to be in there? A No, sir.
Q Did you know Adam Beatty? A Yes sir, I got acquaint ed with him kinder since we cam thero.
Q He wasn't living there? A No, sir.
Q You knew William Nobles? A No, sir.
Q Well you have been living there ever since, have you? A Yes, sir.
Q Never went back to Kansas? A No, sir, haven't went anywhere since I have been there.
Q Where did you get something to eat that first year?
A My fa her brought his provisions with him.
Q Where did you first see Hanner Brown? A On Grand river.
Q How long after the war? A Well I never saw him after the war, but I knew him before the w ar, he was around the place where I lived.
Q He is just to prove your ownership there? A Yes, sir.
Mr. Hollister: What is the name of the son that is here with you? A Tony.
Q Where was he born? A On Snow Creek.

Hanner Brown, being duly sworn by Commissioner Noble, testified as follows:
Mr. Hollister: What is your name? A Hanner Brown.
Q Where do you live now? A [illegible].
Q Do you know the applicant, Lucie Ross? A Yes, sir.
Q How long have you known him? A Know him from a youth up to the present.
Q Do you know where he lived before and during the early part of the war? A [illegible], on Grand river.
Q Was he married? A [illegible].
Q Was she a Cherokee? A Yes, sir.
Q Do you know where he was during the war? A No, sir, I don't.
Q You don't know anything about where he was back before the war? A No, sir, don't know he lived much then.
Mr. Hollister: Where did you live before the war?
A [illegible].
Q [illegible]

Q He was living there when the war came up, was he? A Yes, sir.

NELSON MURRELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Nelson Murrell.
Q What is your age? A 77.
Q Where do you live? A Cooweescoowee.
Q Do you know the applicant, Lewis Gibson? A Yes, sir.
Q Did you know his father, Posey Gibson? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A Fall of '66.
Q How do you know he returned then? A He came with me.
Q Was his father along? A Yes, sir.
Q Where did they locate? A Snow Creek, cooweescoowee.
Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.

Mr. Hastings: Did he come with you when you first came back? A No, sir.
Q When was the first time you came here after the war? A I came here in February, 1878.
Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was the slave of one Sarah Childers. He was taken out of the nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence: Lewis Gibson will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) Bruce C. Jones.

Subscribed and sworn to before me this 14th day of June, 1901.
(Signed.) T. M. Needles,
Commissioner.

J. O. Rogers, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

Subscribed and sworn to before me this August 26th, 1902.

File with C. F. D-786.

R.

C. F. D-774.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 2, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.
Q Where do you live? A Near Harding, Bourbon County, Kansas.
Q How long have you lived in Bourbon County, Kansas?
A I have lived there ever since February of 1860, with the exception of the period I went away. I was gone about nine years.
Q What period was it you were away?
A I was away from 1875, the spring of 1875, until the fall of 1884.
Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.
Q What is the name of the post office?
A At the beginning of the war it was Mapleton.
Q At the close, the same place? A Same place.
Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes, sir.
Q Do you remember the names of any of them?
A I remember an old gentleman was there first.
Q What was his name? A Posey Gibson.
Q Do you know whether or not he had a family?
A Yes, sir, and I know it this way. He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son living on the streets of Fort Scott, and that he brought his son home.
Q Do you know the name of the son? A Lewis.
Q Ever see him yourself? A Yes, sir.
Q Any defect about him, any affliction?
A Yes, sir, he was blind, and he had fits, they said.
Q After his father brought him down to Mapleton, how long did he remain there, if you know?
A I guess I have got a right to look at the record—
MR. WILLIAMS: Is that a memorandum made at that time?
A It is the births of my children that I put up.
Q Was it made in 1860, is that a copy of the record?
A That is a copy of my children, drawn out of my children, of their records.
MR. WILLIAMS: I object to the reference to it, because it is not the original record.

WITNESS: All I know, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only that the name was Gibson. I don't know the surname that he had until he found this Gibson boy in Fort Scott. This young man led Lewis about the house.

Then after he come, we heard that Lewis was married.
Q When was it that you learned that?
A I can't say, but I think it was in 1868.
And in the next year I know that Lewis' wife washed for me, in September of 1869.
Q How do you know that?
A I know it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, this woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.
Q Do you remember the name of the child? A It was Napolean.
Q Was you and Mr. Winship married at that time? A No, sir.
Q What was your name at that time? A Pitman.
Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napolean, did they leave, as near as you can fix it?
A They were there in Christmas or New Years of 1871, because I had a niece that was born February 16th, 1871.
Q Were they there at that time?
A Yes, sir, because then I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife, because they were pretty near starvation.
Q About how far did they live from you from the time you got acquainted with them until they left there?
A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and a half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.
Q Do you know whether or not they had more than one child before they left there?
A No, sir, the child was Napoleon.

MR. MCILWAYNE: When was it that you knew Napoleon?
A September, 1869.
Q How old was he at that time?
A I could not say just about how old. Might have been five or six months old.
Q Now I want you to read me everything you have got down there, begin right at the first.
A James Henry Pitman, born January 6, 1864; Riley Rivard Pitman, born December 6, 1866;
Julia Estelle Pitman, born October 8, 1867; William Hanson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 28, 1871; Mark Antony Pitman, born July 28, 1873; Harry Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 26, 1878; Hattie Maria Pitman, born November 18, 1880; Julia Emily Prudence Pitman, born November 21, 1882; Mary Hall Pitman, born March 21, 1884.
Emily P. Pitman, married Winship July 4, 1886. Mr. William Phillips came to Kansas from North Carolina 1878, March. I made a mistake there. He came in March. Riley Josephine R., born November 14, 1878.
Q Why did you put that there?
A Because that is the day my niece was born.
Q Have you got the record of it at home? A Yes, sir.
Q Where is it? A In the Bible.
Q What is it doing there? A She was my niece.
Q Part of your family? A No, sir.
Q Did she have a rather rare surname? A Yes, sir.
Q What did you put it down in the public record
A Because the 16th day of February was a rather rare day.
Q Why did you put it down in the Bible? A Because I wanted to.
Q Where is that Bible? A It is home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?
A No, sir, because I wanted, I recollected about my son Benson, I recollect that he was just six months and two days older than she was, and when I went to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.
Q You remember 34 or 35 years ago your husband was killing hogs?
A Yes, sir.
Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?
A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?
Q Certainly, that is self-evident. What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.
Q I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old—
Q When was that? A In 1870.
Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?
A No, I didn't say that.
Q Why, you just did it?
A No, because we were killing hogs and I thought I would give them something to eat on that day.
Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?
A Why would a person put anything in the Bible except because they wanted to?
Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.
A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.
Q When did you move to Kansas?
A We moved to Kansas from Illinois in the fall of 1888.
Q You are certain of that? A Yes, sir.
Q How old are you? A Sixty.
Q Did you remember seeing this man Gibson when you first moved there?
A No, sir, I did not.
Q What year did you first see Lewis Gibson?
A I could not say positively I saw him until 1864.
Q Did you see him in 1864? A Yes, sir.
Q How do you know? A I seen him at Peavy Gibson's.
Q What makes you remember him? A I remember Peavy Gibson and his wife.
Q What makes you remember that you saw them in 1864?
A In 1864 the church in our neighborhood placed a quilt for the Methodist preacher, and my mother went around and collected blocks and she cut up the blocks, and my name was to be written on them, and I wrote the name on the indelible ink, and I said, this colored woman's block is the best block. That was in 1864.
Q When did you first think about the quilting blocks?
A That was in 1864.
Q When did you next think about it?
A I thought about it when this man came to visit Mrs. Gibson.
Q What have you first talked to with a view to getting you a witness in your case? A I guess it was on Tuesday of last week.
Q Are many people who live in your neighborhood, along 1864?
A Quite quite a few, I think.
Q Have you been spoken to about Mrs. Gibson, that does you remember that you saw another in 1864?
Q Have that quilt belong to 1864?

if I knew a man by the name of Tommy Watson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was, and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back so years?

A I remembered it just as vividly, that we pieced the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.

Q Is this your husband out here?

A That is my husband now.

Q Where was he living in 1860?

A Lived about there we live now. He was a soldier in the army. He was not there when these colored folks came to Kansas. He was in the army. Myself and my husband lived right there.

Q You have been married twice? A Yes, sir.

Q When did you marry your present husband?

A On the 4th day of July, eight years ago.

Q What year? A I think it was 1894. I don't remember dates very well.

Q Where was your present husband living in 1870?

A Right there we live now.

Q You were not married to him then? A No, sir.

Q He was living at the same place? A Yes, sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.

Q Where do you live? A In Bourbon County, Kansas.

Q What is your postoffice? A Harding.

Q How long have you lived in Bourbon County, Kansas?

A Ever since 1857.

Q Where were you at the close of the war?

A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.

Q When the war closed? A I was discharged in 1865.

Q Where did you go then, Kansas? A Yes, sir.

Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes, sir.

Q After the close of the war, what point did you return to in Kansas?

A I came back to Marion, stayed there one a month or two and then moved to Mound City.

Q When you returned from the war to Marion, did you know a family of colored people by the name of Gibson?

A I didn't at the time, but I moved back in the spring of 1866 and had acquainted with them.

Q What were their Christian names, if you know?

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help me some.
Q Then was that that Lewis Gibson helped you?
A I think it was along about January, 1868.
Q What was he doing? A Hauling fodder.
Q Did you have anyone else, if you remember, helping you?
A A colored man by the name of Gregg (George?) Vann.
Q You say that was in 1868? A Yes, sir.
Q Do you know whether or not Lewis Gibson had any children?
A I could not tell you, but I understood that he had.
Q Ever see any children claimed to be his?
A No, sir, never was at his house, but then I understood that he had a child.
Q Have you ever seen them since they left that section of country?
A No, sir.
Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year some spring that he worked for him.
Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.
Q You don't remember when they left after that? A No, sir.

MR. PELLETTE: When was it Lewis Gibson hauled fodder for you?
A In the spring of 1868, along about January, toclear off the corn ground for plowing.
Q When was your attention first called to him?
A He hauled fodder in the spring of 1868.
Q When were you first asked about this matter?
A It has been just this last Monday, I believe, a gentleman came up from here.
Q You had not thought very much about him from 1868 to this time?
A No, sir.
Q Do you remember back that he hauled fodder for you in 1868?
A Yes, sir.
Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Slip, but I could not tell their given name.
Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.
Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.
Q Who drove them? A Gregg Vann drove them.
Q And Lewis Gibson? A He threw the fodder up on the wagon to Gregg, and Gregg loaded the wagon.
Q Lewis was black? A Yes, sir.
Q He could load the fodder all right?
A He could load better than most of the men that have got upon.
Q Was he a pretty stout chocolate by 34 yearsago? A Yes.
Q You could not remember what kind of a team it was? A Yes, sir.
Q Why? A Because I owned both in them, and he drove them for me in 1868, that fall [illegible] in 1867, I had owned my team or up and down and he drove in 1868.
Q How many times did you see Lewis after that?
A I could not tell you.
Q Where? A Out every where, sir.
Q Where was your home in 1868?
A My home in 1868, I was living in Tennessee, Tipton County, Tennessee, that is my residence by, Tipton County or adjoining the place that I was living in, Tipton County, about a mile and a half.
Q Did you know Lewis? A Because I knew him.
Q What kind of a man was Lewis? A I could not tell.
Q Where did you see him? A [illegible]

Q What were you doing there? A I could not tell you, what I was doing there, I don't remember what I was doing there.
Q Did Lewis Gibson come down to the Indian Territory in 1866?
A No, sir.
Q How do you know he did not?
A Because I never missed him from there.
Q Did you watch him all the time? A No, sir.
Q Can you remember back now that he was not absent?
A I don't think that he was.
Q Can you swear that he was not?
A He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.
Q He could have been absent for two or three weeks without you knowing anything about it.
A Yes, he could.

MR. DAVENPORT: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1884, inclusive, page 118.

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 24th, 1881.

J. M. Bryan &
C. H. Taylor, } Atty for Claimants.

No. 110.-

Pogo Gibson
Amarette Gibson,
vs
Cherokee Nation. } Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by the Solicitor September 20th, 1882.

And now on this the 20th day of September, A. D. 1882, this cause coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the plaintiff Pogo Gibson and Amarette Gibson, are not Cherokees by blood, and that said claimants being colored persons who were free and residing in the Cherokee Nation at the commencement of the war of Rebellion, and who, being absent from the limits of said nation at the ratification of the treaty of 1866, failed to return thereto within ninety months from the 19th day of July, 1866, are not entitled to the rights and privileges of Cherokee citizenship, within the Cherokee Nation, and that their said petition should be and the same is hereby rejected.

[illegible], Pres. of Commission.
[illegible], Commissioner.
T. P. [illegible], Commissioner [illegible].

A. W. G. Duncan,
Clerk of Com. }

Transcribed [illegible] this [illegible],
A. W. G. Duncan,
Clerk of Commission.

MR. DAVENPORT: I object to the admission of this record.

BY COMMISSION: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:

D-786, D-185, D-807, D-1021, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

Arthur O. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and complete copy of the original transcript.

Arthur O. Croninger

Subscribed and sworn to before me this 15th day of April, 1908.

F. L. Kunter

Notary Public.

F.D. 786

Proof of Copyright Owner
[illegible] original film with the
[illegible] Commission
SEP 25 1941

NOTICE!

IN THE MATTER OF the application of Posey Gibson for enrollment as Cherokee Freedmen:

Case No. F. D 706

To Posey Gibson Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

C B Bell

M. M. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D-787

Cher. Fr. D-787

File with Leonard Bowles, Scuttle O.T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of Susan Bowles for the enrollment of herself, her husband, Leonard Bowles, and one adopted child, as Cherokee Freedmen, her husband as a Cherokee Freedman by intermarriage.

Susan Bowles, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Susan Bowles.
Q How old are you? A 55 years old.
Q What is your post office? A Lenapah.
Q What district do you live in? A Goowesscoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My husband and baby I raised.
Q What is your husband's name? A Leonard Bowles.
Q How old is he? A 70 years old I think.
Q You say you have got a child under age? A Yes, sir, I have got a boy that I raised, it was my brother's, he gave it to me when he was two months old.
Q What is its name? A Arthur Vann.
Q How old is it? A 16 years old.
Q What is the name of the mother of Arthur Vann? A Patience Vann.
Q Is she living? A No, sir.
Q What is your father's name? A Eli Vann.
Q Is your name on the roll of 1880? A Yes, sir.
Q Is your husband's name on the roll of 1880? A I don't know sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Susan Bowles identified thereon, page 73, No. 418, Goowesscoowee district, as Susan Bowles.

Leonard Bowles not on 1880 roll.

The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

Susan Bowles on page 308, No. 78, Goowesscoowee district, as Susan Bowles.

Leonard Bowles not on 1896 roll.

Arthur Vann on page 308, No. 76, Goowesscoowee district, as Vann Arthur Bowles.

The 1880 authenticated roll of Cherokee Freedmen examined and the parents of Arthur Vann identified thereon as follows:

Patience Vann on page 193, No. 2098, Goowesscoowee district.

Eli Vann on page 193, No. 2096, Goowesscoowee district.

Q Is Eli living? A No, sir, he is dead.
Q Have you lived in the Cherokee Nation since 1880, all the time? A Yes, sir.
Q Is your husband here? A Yes, sir.

Leonard Bowles, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Leonard Bowles.
Q Are you the husband of Susan Bowles? A Yes, sir.
Q Have you a child? A Yes, sir.
Q Have you been a citizen of the Cherokee Nation? A Yes, sir.
Q Did you ever be known as a citizen of other tribe? A [illegible]
Q Do you want to be enrolled as a Cherokee Freedman? A [illegible]
Q Are you married to Susan Bowles? A Yes, sir.
Q Are you married to her since 1880? A [illegible]
Q Are you married to her since 1896? A [illegible]
Q Are you married to her since 1900? A [illegible]
Q Are you married to her since 1900? A [illegible]
Q Are you married to her since 1900

Leonard Bowles - 2.

ficate that he was married according to said license on the 4th day of August, 1868.

Q Mr. Bowles, was Susan Vann your first wife? A Yes, sir.
Q You never married before? A No, sir.
Q You been living with her continuously since you married her?
A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Was your wife Susan ever married before you married her? A They said she was, I never saw her.

Susan Bowles, recalled, testified:

Q Were you ever married before you married Leonard Bowles?
A Yes, sir.
Q What was your husband's name? A Crockett Vann.
Q Was he living at the time you married Leonard Bowles? A No, sir, he was dead.
Q You and Mr. Bowles been living together continuously since your marriage to him? A Yes, sir.
Q Is Arthur Vann living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q You have raised him? A Yes, sir.

Commissioner: Susan Bowles applies for the enrollment of herself, and Arthur Vann, who she avers is the child of her brother, said Arthur Vann being she avers an adopted child. She avers that the said Arthur Vann is the child of Patience and Eli Vann, and their names are found upon the authenticated roll of 1880 as indicated in the testimony. Said Susan Vann is duly identified upon the authenticated roll of 1880 and the census roll of 1896. She applies for the enrollment of her husband, Leonard, as an intermarried citizen, and makes satisfactory proof of his marriage according to the laws of the Cherokee Nation, also satisfactory proof as to residence. Consequently, Susan Bowles and her nephew, Arthur Vann, will be listed for enrollment as Cherokee Freedmen. Her husband, Leonard Bowles, will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. He will be notified by mail of the decision of the Commission in regard to his application.

****

Bruce T. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce T. Jones

Sworn to and subscribed before me this the 8th of June, 1906.

[illegible]

[illegible]

FILED
2 1901

Supl.C.F.-D.#787.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Leonard Bowles as a Cherokee Freedman, introduced on the part of the Cherokee Nation.

APPEARANCES:
Mr. W. W. Hastings, for Cherokee Nation;

The Cherokee Nation makes satisfactory proof of service of notice on the said Leonard Bowles that testimony would be introduced on behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, September 20th, 1901. Said Leonard Bowles has been called three times and does not respond.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

---oo0Ooo---

J. O. Mason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 21st, 1901.

C. R. Breedlove

Commissioner.

F 20787

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day A. D. 1901

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901

Attorney for applicant

UNITED STATES [illegible]
INDIAN TERRITORY
NORTHERN DISTRICT

I do solemnly swear that I [illegible] a true copy of the within [illegible]

[illegible] A. D. 1901

[illegible]

[illegible] A. D. 1901

NOTICE!

IN THE MATTER OF The application of Lenard Bowles for enrollment as a Cherokee Freedman:

Case No. F. D. 787

To Lenard Bowles Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 25th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901 day of , 1901.

F. B. Bell

M. W. Harlinger

Attorneys for the Cherokee Nation.

Cher. Fr. D - 788

Cher. Fr. D - 788

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T, June 21, 1901.

In the matter of the application of Henry Murrell for the enrollment of himself and three children as Cherokee Freedman, and for the enrollment of his wife as a Cherokee Freedman by intermarriage.

Henry Murrell, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Henry Murrell.
Q What is your age? A I don't know my age exactly, I guess about 37 or 8, somewhere along there.
Q What is your post office? A Lenapah.
Q What district do you live in? A Goweesoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and family of children.
Q Is your name on the roll of 1880? A I don't know whether it is or not.
Q What is your wife's name? A Malinda Murrell.
Q How old is she? A She is 46 I think.
Q Is her name on the roll of 1880? A I don't know sir, she is a non citizen, and I don't know whether they it on or not.
Q Known as a state woman, isshe? A Yes, sir.
Q Now give me the names of your children? A Well there is Charlie Murrell.
Q How old is Charlie? A Well this child is 25, he must apply for himself. A Well, Jesse, 20.
Q Well? A Willie Murrell, 18; Nola Belle Murrell.
Q How old is Nola Belle? A 14.
Q The next one? A That is all.
Q Just three under age? A Yes, sir, three.
Q You say you don't know whether it is on the 1880 roll or not?
A No, sir, if it is on there it was Chug Murrell; my brother was to put it down.
Q What is your father's name? A Ceaser.Murrell I always taken for my father.
Q Is he alive? A No, sir.
Q What is your mother's name? A Judy.
Q Is she alive? A Yes, sir.
Q Is she on the roll of 1880? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1894 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows

Henry Murrell on page 170, No. 4188, Goweesoowee district
Jesse Murrell on page 170, No. 4188, Goweesoowee district;
Willie Murrell on page 170, No. 4188, Goweesoowee district;
Nola B. Murrell on page 170, No. 4188, Goweesoowee district, as Nola Murrell;
Malinda Murrell not on roll.

Q When were you married to your wife? A I have been married about 22 years.
Q Get any certificate of marriage? A No, I lost it; it is on the register though at Independence.
Q Married in the State of Kansas? A Yes, sir, married at Coffeyville.
Q What is her name? A Malinda Murrell.
Q She your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q You been living together continuously since your marriage?
A Yes, sir, ever since.

Q Is Malinda the mother of these children? A Yes, sir.
Q Are these children living? A Yes, sir, they are living.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A George Murrell.
Q Was he a Cherokee citizen? A I guess he was, he was living there.
Q Well, did you go out of the Cherokee Nation during the war between the north and south? A I went out the time Chief Ross did, I went with him.
Q I am talking about did you go out? A Yes, sir, I went with the soldiers.
Q Where did you go? A I went with the soldiers from here to Fort Scott, Kansas.
Q Were you a soldier yourself? A No, sir, they wouldn't take me in.
Q When did you return from Fort Scott? A I returned right back with them.
Q What year did you come back? A I can't tell you the year or anything about that, I returned back with the 6th Kansas Regiment.
Q You didn't belong to the regiment? A No, sir, I was waiting on the Colonel.
Q What time did they come back? A I don't know what year.
Q Have you got any witnesses? A Yes, sir.
Q Who are they? A Uncle Nelson Murrell and Charlie Chambers.
By V.W.Hastings, Cherokee Attorney: Now who did you come back here with after the war? A I came back with Uncle Nelson Murrell.
Q I thought you said you came with the soldiers? A I went with the soldiers when they came the first time, and when they left Rays Mill they went to Fort Scott and I stayed there till I came back with him.
Q How long did you stay? A I don't know just how long, they said the Cherokees would take them in.
Q You don't remember what year that was? A No, sir, they told me 62 or '3.
Q Then you came back? A Yes, sir.
Q The war was over then? A Yes, sir, the war was all over then, yes sir.
Q You are the one that testified for your Uncle Nelson before?
A Testified how?
Q You made the application for him, didnt you? A No, sir, I didn't: if I did I don't recollect.
Q What time in the year did you come back? A It was along during the fall.
Q You came back in like a wagon? A Yes, sir.
Q You and your uncle Nelson Murrell together? A Yes, we came back in a wagon with him.
Q From what place in Kansas, Fort Scott? A Yes, sir, Bourbon County, where we lived.
Q You remember a man up there named Thomas? A I do not.
Q After you went back after the war, what did you do between that time and the time you came down here? A Up to Fort Scott, why my father was a farmer and he farmed.
Q Who was your father? A Cheever Murrell, he represented my father, my father, I understand, was named Joe Fleming, but I always knew Cheever Murrell.
Q Was Cheever Murrell alive at that time after the war? A Yes, he lived a little while after the war.
Q Did he come down here? A No, sir, he never did.
Q He died in Kansas? A Yes, sir.
Q You stayed with him after the war until you came down here?
A Until he died, did after he died the old lady [illegible]
Q You stayed until she died? A Yes, sir.
Q You in Kansas the time? A Yes, sir, right through the war,

he died the next year after the next year after they moved from Rays Mill up here, the soldiers.

Q That was after the war? A Yes, sir.

Q About what time of the year did he die? A I can't tell you exactly what time.

Q Know whether it was the spring or summer or fall? A Indeed I can't tell you, I can't be positive.

Q Did you farm with your father? A Yes, sir, I farmed with him.

Q On whose place did you farm? A I don't know who owned the place; the man was named John McKibben.

Q How far was that from Fort Scott? A I can't tell you that, I think it was between Fort Scott and a place they called Marmaton City.

Q How old were you? A I don't know, I don't know my age.

Q Were you grown at that time? A No, sir.

Q How old were you when the war came up? A I don't know, I reckon I must have been about 10 or 12.

Q What was Nelson Murrell doing up there after the war? he farm with your father? A Yes, he worked around up there, farming around and one thing and another.

Q On whose place did he farm? A He was working at the mill there, at one time called Brown's mill.

Q Was that at Fort Scott? A No, sir, it was between Fort Scott and Marmaton.

Q Did he work there in '65, the next year after the war? A No, sir, he wasn't there then, he didn't stay there; he raised about two crops after the war ceased.

Q Well your father died, and your Uncle Nelson - - -

A I believe that is all they ever raised; the old man died the second crop after the war.

Q Did your Uncle Nelson farm there at the same time close to your father? A He was living at old man Brown's there in the Mill.

Q Then when you came you all came together? A Yes, sir, all came together.

Q Did you come ahead of your Uncle Nelson? A No, sir.

Q Did he come ahead of you? A No, sir.

Q All came along in the same crop? the first time each of you came, you came together? A All came together.

Q You all lived up there together until you came down? A Yes, sir, about up there.

Q You were neighbors up there? A Yes, sir.

Q And you say when you came first he came? A No, I said we all came together.

Q All came together? A Yes, sir.

Q And when he came you settled? A Yes, sir.

Q And you stayed in the neighborhood until he came and he stayed in the neighborhood until you came, and you all came together? A Yes, sir.

Q Did you state what time of the year that was you came? A I can't tell exactly what time it was, because I didn't pay no attention at all to the year or anything about it.

Q You don't know the year then? A No, sir; I have heard the talk come around among the Sherman negroes, all living kinder together, when that move came, that the Sherman was going to take the negroes back to home, that they all made a start.

Q In other words, you had heard of the treaty down home? A I don't know whether I heard of the treaty, the people said the Indians was going to take the negroes back.

Q You had a crop in that year? A I don't know whether I did or not.

Q You know whether it was before or after Emancipation? A I don't remember whether it was in the fall or not.

A Did your Uncle Nelson have a wife or not? A Yes, sir.
Q He brought her with him? A Yes, sir, she died up on Snow Creek.
Q After she came out here? A Yes, sir.
Q Did he have any children with him? A Had one, Joe Ross; wife; used to belong to old Bushyhead Williams, one Divy Ross.
Q He had the children along? A She was along in the crowd of course, she was Joe Ross' wife.
Q Well, where did you first come to, Henry? A Well, when we came there we camped up here on the Verdigris River.
Q About what place? A We camped somewhere; the first think I believe this side of where Coffeyville is now, somewhere in there; came from there and then moved on down.
Q Did you come through old Parker or Coffeyville when you came there? A No, sir, if old Parker was there I didn't see any of it.
Q Any town up there? A Never seen any town up there at all.
Q Did you come through Chetopa? A No, sir.
Q Where did you come from where you camped down there? A I came on down the river, farther, and Uncle Nelson stopped on the east side of the Verdigris River.
Q How how far from the mouth of Snow Creek was that? A Not very far, I can't state exactly the distance, not very far.
Q Did you l cate there permanently? A Yes, sir, he did.
Q Well, is that the place he is living now? A I believe it is, not far from there where he located; it is not very far.
Q Did you build your house after you got there? A Yes, sir, Uncle Murrell, they built along in the winter sometime; I think it was along cold weather.
Q There wasn't any house built there when you came? A Not a house did I see.
Q Everything was vacant when you came? A Everything was vacant.
Q There was no sign of human habitation? A Nothing at all only once in a while I saw a few Osages.
Q You saw no houses or no foundations or nothing? A I don't recollect seeing any.
Q There wasn't any corn planted up there? A No, sir, there wasn't nothing at all, no broked land that I could see.
Q Wasn't any hay patch or anything of that kind? A No, sir.
Q Did you come in the wagon with Uncle Nelson or in a separate wagon? A No, we all came together, sometimes rode in other wagons and sometimes in his.
Q You never had a separate wagon of your own? A No, sir, never had one.
Q Uncle Nelson had a wagon? A Yes, sir.
Q One or two? A I don't know about that.
Q He built him a house down there shortly after he came? A Yes, sir, he lived in a tent for a while until he got kinder started up and then he built him a little log cabin.
Q Who was your nearest neighbors when you first located there; was there anybody lived at all in any of that section of country when you located up there? A Yes, there was Uncle Jack Ross; no, there wasn't anybody living there, they all came down when Uncle Jack Ross and Joe Ross.
Q Was anybody in all that section of country? A No, sir, nobody, perfectly wild, nobody in that country.
Q Great deal of Indians there then? A If it was I never heard of, never seen it; it might have been.

Nelson Murrell, being duly sworn and examined by Commissioner Beeler, testified as follows:
Q What is your name? A Nelson Murrell.
Q What is your age? A 77.

Q What is your post office? A Coffeyville.
Q Do you know the applicant, Henry Murrell? A Yes, sir.
Q Is he any relation to you? A None at all.
Q Did you know him before the war between the north and south?
A Yes, sir.
Q To whom did he belong? A He was first belonging to one Looney Price and then to one George Murrell.
Q Was George Murrell a Cherokee citizen? A Yes, sir, he was a citizen of the Cherokee Nation, his wife; he was a white man.
Q His wife was a citizen? A Yes, sir.
Q What was her name? A Mandy Murrell.
Q Well, do you know whether Henry Murrell, the applicant, lived in the Cherokee Nation during the war between the UnitedStates and the Confederacy? A Yes, sir.
Q Where did he go? A He went up north.
Q Into the state of Kansas? A State of Kansas.
Q Do you know when he returned to the Cherokee Nation? A Yes,sir.
Q When? A In '66, fall of '66.
Q Who did he return with? A Returned with me.
Q You and he returned together? A Yes, sir.
Q He being living here continuously since that time?
A Well, he lived with me as a boy; I raised him.
Q You raised him? A Yes, sir, stayed with me till he got to be a young man, then he was working around and dropped back home once in a while.
Q Was he with you when you went out during the war? A Yes, sir,I carried him out.
Q And you brought him back? A I brought him back.
Q You say he is no relation to you? A No, sir.
Q How does he happen to be the same name? A All belonged to the same man.
Mr. Hastings: He came back here, Uncle Murrell, with you when you came back? A Yes, sir.
Q And you located at the mouth of Snow Creek? A Yes, sir.
Q And that is when he came when you all located permanently?
A Yes, sir, when I came to locate permanently.
Q You had been here before that? A Yes, sir.
Q About how long before that had you been here? A I had been here about three months, or four.
Q Had you put you up a house at that time? A Yes, sir.
Q You had been down here and cut some hay before that? A Yes,sir.
Q You had stacked it there? A Yes, sir.
Q You came back to that same place where you had put up the house and stacked your hay? A Same place.
Q And you came back to that place with him? A Yes, sir.
Commissioner: That was near the mouth of Snow Creek? A Yes, sir.
Q He didn't come back with you the first time you came? A No,sir, came back with me the third time.
Q You had been up here and built a house? A Yes, sir, I had been here and built a house.
Q And went back to Kansas? A Went again and came back.
Mr. Hastings: Remained here in the year '66? A I came here in the year, [illegible] for me.
Q You stayed here and stacked with the Indians all that year? A Not all that year.
Q About six months? A Yes, sir.
Q You don't remember working for Brown's Mill up there between Fort Smith and Muskogee? A Yes, sir, I am.
Q Is your uncle Henry Murrell? A Yes, sir.
Q Where did he die? A Died in Kansas.
Q When? A I don't know.
Q Before you came to Oklahoma? A Yes, he died before I came.
Q After the close of the war? A No, sir, while he was

going on

Q He lived on Mr. Flowers farm up there, Caesar Murrell? A He was gone away up in Kansas when he died.

Q And this hay and this house was where you came to with Henry Murrell? A Yes, sir.

Commissioner: What was Henry Murrell's mother's name? A Judy Murrell.

Q Supposed to be the son of Caesar? A No, sir, he wasn't, he was only a stepson of Caesar.

Mr. Hastings: Where did George Murrell live himself when the war came up? A Lived here.

Q He was living there personally was he? A Yes, sir.

Q His wife was living there with him at that place? A Yes, sir.

Q Where was Looney Price living when the war came up? A On the b you about six miles from George Murrell.

Q In Tahlequah district? A Between that and Fort Gibson.

Q George Murrell didn't go to Louisiana until after the war?

A No, sir, he went backwards and forwards for some time.

Q And his wife was in the Cherokee Nation all the time? A No, sir, his wife was with him; she would go with him in the summer season.

Commissioner: This George was your owner? A Yes, sir.

Henry Murrell, recalled, testified:

Mr. Hastings: What did you do after you first came down here after the war? A After the war, I stayed with Uncle Murrell a few days and then I went off to work.

Q Where did you go to work? A I went then to driving cattle.

Q Who for? A A fellow by the name of Henry Richards.

Q Where did Henry Richards live? A I can't exactly tell, he told me he lived in Topeka.

Q He told you he lived in Topeka? A That is what I was told.

Q He told you that at that time; that was your information at that time? A Yes, sir, I heard that.

Commissioner: Did he tell you? A No, sir, he didn't tell me.

Mr. Hastings: That was the information you had at that time? A Yes, sir, the rest of the hands told me, is all I know about it.

Q That he was living in Topeka; where were you driving these cattle? A Around on the prairie.

Q Where? A All around over there above here on Snow Creek.

Q Did he have a great many cattle? A All I had to do was to stay and hold the cattle together.

Q How many did he have together in one herd? A Sometimes he would get up altogether I guess three or four hundred before they would ever make a move, herd them around until they would get a bunch together and then take them off.

Q That was a short time after you came down here, a few days?

A Yes, sir.

Q How long did you herd cattle for Richards? A About two years I guess.

Q Then what did you do? A I went to work for other herders.

Q In the Cherokee Nation? A Yes, sir.

Q What other herders? A I herded cattle for a while for Ed [illegible] down in the Cherokee Nation.

Q What was your wife's maiden name when you married her? A [illegible] Hayden.

Q Where did she live when you married her? A [illegible] I used to live up in Fayetteville.

Q You married her there? A Yes, sir.

Q Lived there ever since you married? A Yes, sir.

Q Your wife died in [illegible]? A Yes, sir.

Q When? A [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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Q Where since you have married did you live in Coffeyville.
Q Any other place besides Coffeyville? A I worked a little in Independence.
Q Your wife with you? A No, sir.
Q You and she ever kept house in Coffeyville? A No, she stayed with her mother in Coffeyville; we kept house there one year in Coffeyville.
Q Keep house in Independence? A No, sir.
Q She ever live with you there? A Yes, sir.
Q H w long did you live there? A I didn't stay very long, I went there one winter, up there.
Q Where were you married now? A Three and a half miles this side of Lenapha.
Q How long had you been there? A Been there 13 years.
Q Xxxxxxxxxxx When were you married? A I was married 26 years ago.
Q The other thirteen years after you married until you moved to Lenapah, did you ever keep house in the Cherokee Nation before that?
A Yes, sir.
Q Where? A At the mouth of Possum Creek.
Q How long did you live there? A I lived there on the north side of Possum Creek there for about a year, then I moved from there on this side of Possum Creek and lived.
Commissioner: This man Richards that you hearried the cattle for, was he a white man? A Yes, sir.
Q You don't know where he lived? A No, sir, they told me he lived there, that is all I know about it.

Commissioner: Henry Murrell applies for the enrollment of himself and three children, Willie, Jesse, and Sola B. He also applies for the enrollment of his wife as an intermarried citizen. He avers that he was married to her in the state of Kansas, but presents no certificate of marriage. He has lived with her continuously since the marriage, and as the result, has three minor children, for whom he applies. He avers that he was the slave of George Murrell, and his mother was named Judy, and he avers that he was a slave and went into the state of Kansas during the war and returned in '66. He cannot be identified upon the roll of 1880 or the census roll of 1890, but he is fully identified upon the Kern-Clifton roll. His children applied for are also identified upon the Kern-Clifton roll. Said Henry Murrell and his children as enumerated herein will be listed now as Cherokee Freedmen upon a identified card, and his wife, Malinda Willis listed for enrollment as a Cherokee Freedman by intermarriage upon identical card. It will be necessary for him to file with this Commission a certificate of his marriage.

Irene C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible]

[illegible]

MISSION TO THE FIVE CIVILIZED TRIBES
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SUPPLEMENTAL CHEROKEE D-788.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 24, 1901.

In the matter of the enrollment of William H. Brown as an intermarried Cherokee Indian citizen.

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
The applicant, William H. Brown, in person.
W.W.Hastings, on the part of the Cherokee Nation.

CHARLES PIERCE, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Charles Pierce.
Q What is your age, Mr. Pierce? A 52.
Q What is your post-office? A Braggs.
Q Do you know William H. Brown, the applicant? A Yes sir.
Q Did you know his wife, Dollie Taylor? A Yes sir, Dollie Taylor, Dollie Hensley, or Dolley Fallen.
Q Were you an attorney at that time, practicing before the Cherokee Courts? A Yes sir.
Q Please state what you know of a divorce between Dollie Taylor and her husband Brown? A Thomas Down ing and myself were in partnership, practicing law, and we were employed to bring suit for Mr. Brown against his wife, and did so; suit was brought in the Circuit Court of Sequoyah District.
Q You know what was alleged? A I don't remember.
BY MR. HASTINGS:
Q About when was that? A 10 or 12 years ago; best I can recollect.
Q The records were made up at the time? A Should have been; all the records would be just the clerk's entry, showing the disposition of the case.
Q You know whether she appeared? A I don't think she did.
Q You think it went by default? A Yes sir, best of my recollection she didn't appear.
Q Under your system of practice at that time, if ~~the~~ it went by default you didn't have to introduce any t estimony to sustain the allegations? A No sir.
Q No testimony was introduced? A None at all, I am confident of that.
Q How long had you known this woman before? A A good many years; her maiden name was Dollie Hensley, and she married Alex Mark Fallen and they separated and she married Alf Taylor and he died, and then she married this man.
Q That's all her marriages prior to this marriage to Brown? A Yes sir.
Q You know how long she and Brown lived together as husband and wife? A Not exactly, but a very short time.
BY COM'R NEEDLES:
Q You know anything of the circumstances, of the cause of divorce? A No, I know they separated.
Q You don't know whether he abandoned her or she him? A No, I don't know about that.
Q But he applied for the divorce? A Yes sir.

COM'R NEEDLES: This testimony will be filed with the testimony in the case.

I, T. Brown being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a

William H. Brown &

true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this September 24th, 1901.

C. R. Breckinridge.

Commissioner.

File with Cherokee Freedman D-788, Henry Murrell et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants:
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Goody's Bluff, when I am at home.

Q What is your postoffice? A Goodys Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the emigrants came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house north to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was his? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Doublehead, and the next would be Old Billy. The next house a man by the name of Jesse Sparks lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A Yes, sir.

Q What is the year you said you came down? A Sir, I don't know. I was out that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q For what purpose did you go? A Well they were going to build this line called Parsons, and I went up there. Thought maybe I might get some work, so did and did Journeycake and the Indian Prince, and he went down on the Verdigris Valley.

Q To what place? A Fort Gibson, and I returned back through

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line to it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him?

A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '65.

Q Well do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '68.

Q How long on Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along there.

Q Did they have any [illegible] plat, town plat? A I never heard of it.

Q Didn't you believe? A Yes, I inquired about it, but I couldn't find any one that could give me satisfactory news about it so I didn't say into.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next day I changed I made up back and buy my homestead.

Q Did you buy it? A I did.

Q Was it where Journeycake's where you started to Parkersburg? A [illegible]

Q How in what direction was Parkersburg from Journeycake? A [illegible] sir, it is [illegible] of a little east.

Q How far was Parkersburg from the Kansas line? A Well, they [illegible]

Q Was there any town in the [illegible]?

A [illegible]

Q Did you buy [illegible] A Well I [illegible]

Q [illegible] A No, sir.

Q [illegible] A I [illegible]

Q Where did you live? A I lived up at Goodys Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback.
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir. where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.
Q Well now that you are not prepared to say that this applicant, William Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
A Yes, sir, if a house had been out on the Prairie a quarter of a mile from us that days I could have seen it.
Q Under favorable conditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

[illegible]

Q Are you a full blood or a half-breed Indian? A Half-breed.
Q Did you participate in the Cherokee Outlet before or after the treaty made with the Indians and Cherokees? A After.
Q That was your father's name? A My father's name was Jefferson.
Q Well, did he have any English name? A Little Buffalo that called him.
Q Did your father move up the Cherokee Outlet when you did, or was you a child at that time and came with him? A I came with my father and mother.
Q What was your mother's name? A Mahala Buffalo.
Q Well, when you came to the Cherokee Outlet, at what point in the Cherokee Outlet did you settle? A [illegible]

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.

Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to ~~church~~ up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carbenter that built our house lived there, a man name Baker, in the fall of '68 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A ? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Tell, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q That part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you did know when the Indians made the treaty of 68 the Cherokees, or Indians, could you? A Different.

Q Did you hear the news that the Indians made, or did they tell you when they came? A [illegible]

Q Well, sir, have you met your [illegible] here [illegible]

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

~~Q Into what stream did Snow Creek empty? A The Verdigris.~~

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there? A No, sir.

Q What season of the year did you come to the Nation? A February.

Q When did you get a house? A Gota house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

Q Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation that you went to Connor's? A About '74.

Q About that? A Yes, sir.

Q You had been in the Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Did you ever go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You have no idea how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the territory from Kansas? A No, I have no definite idea, about five or six miles through.

Q You don't know, you never were up the creek that runs from the mouth of the creek up to the Kansas line? A Only right there along the road where I crossed Snow Creek.

Q How where could you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Sycamore, on Pencil's Creek, a Cherokee point, or post.

Q Do you know the nearest town of any note to you in the Cherokee Nation, a town of prominence, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About A

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Clymore? A No, sir.

Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.

Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Duman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any house.

Q Don't think. I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 54 years, since '60.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delaware? A Well I came here a year before they moved from here.

Q Well, what year was that in? A When I first came here, that was in '60, it is about.

Q Well, when you came to the Cherokee Nation in '60 to stay, to what point did you come? A Well we came to Long Creek, Dog Creek.

Q Well, what part of Dog Creek? A I guess it was some place about three miles above the mouth of Dog Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there my [illegible]

as a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeycake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeycake's? A I lived six miles above, north

Q Six miles north of Journeycake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Coonskin Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 20 miles.

Q In what month of the year did you arrive in the Cherokee Nation? A Well I think the 6th day of February.

Q Who did you come with; that is, I ask your own immediate family, your mother? A No, my father.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we moved over until green came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over to Spring River that spring and made a crop over there.

Q How far from the place do Coonskin? A This one is about twenty miles.

Q Now if I understand you, you went in the twilight there about '67? A I mean you to understand that we didn't come down in '67.

I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '67? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67.

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months? A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Goodys Bluff

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well, I can't exactly tell, it is not very far.

Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line: Well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any Snow Creek after it runs into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek?

A Yes.

Q Then you were right exactly on the Kansas line, weren't you? A No, I was right south, maybe about, either of a northeast.

Q Well, didn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody up on Snow Creek, there wasn't anybody living there.

Q Well, there was a [illegible] living there that had [illegible] Lewis? A The Sanders [illegible] [illegible]

Q Did you ever hear [illegible] [illegible]

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, bhilt his house up on Snow Creek, do you? A No, sir.

Q Can'e say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q That was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you won't say he wasn't there? A No, I can't say he wasn't there. But I didn't see any houses, and didn't see anybody, no different people

[illegible], being duly sworn by Commissioner Meadlej, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Known him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the [illegible], it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Snow Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down there in [illegible] hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to [illegible] Creek down there.

Q How long before the breaking out of the war had you been there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months, [illegible] you think about it. I want to get the facts there, about how long had been before the war came on? A I can't tell you.

Q You and Nelson belonged to the same gang, did you, before the war? A My mother's daughter married Uncle Nelson's young brother, John Bowe.

Q Who did Uncle Nelson belong to when he went by the name of [illegible]? A George Murrell.

Q Is that the same George Murrell that lived in Florida part of the time and home part of the time? A I guess that is the one

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlora? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlora when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

****

Taking of testimony continued by Stenographer J. O. Rosson.

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Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.R.-D.#548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for Applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do you live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same parties that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where washe when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he came back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they li ved up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her children that owned her when the war broke out?
(No response.)
Q Was she at their house? A Well, I don't believe she was right at home.
Q Did you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was?
A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Louis Wolfe and I live on Caney.
Q Isn't it a fact that your husband had she run off and left him this country before the war broke out?

Mr. Smith: I object to the question. If the Court please, because it is leading, put the applicant right and good and good.

Court Reading: But the objection is overruled.

A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
CO''R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were livi ng at Melton''s when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sirr
Q You don't know where she was when the war broke out? A No, si r.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with vann when the war broke out , or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get offthat night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Lewis took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I said I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just told the facts? A Yes, sir.
MR. SMITH: This is the second time you have been on the stand don't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with, were you asked that question?
A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said
Q Did you say "I don't know?" A No, sir
Q You didn't say that at all? A No, sir.

[illegible] S. [illegible], being duly sworn by [illegible] Joe, testified as follows on part of [illegible]
MR. DAVENPORT: [illegible]

Q Where do you live, Mr. Caesar? A Muskogee.
Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q That year did you come to the vicinity of Snow creek, Mr. Ceaser?
A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there?
A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow creek empties i nto the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquaintedwith the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat?
A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigriss; up the Snow creek from the mouth and up the Verdigris wrom the mouth of Snow Creek.
Q That was before you left there? A Yes, sir.
Q Was there any Indians in that part of the country before you left?
A Yes, sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north si de of Snow creek, or south side? I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
MR. SMITH How far were you away, Ceaser, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
Q Mile or ten miles? A About somewhere, a mile, might be a mile or mile and a half
Q From the mouth of Snow creek? A Yes, sir
Q How far was that from the mouth of Other creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distance I could not tell. It was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when you left there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raisedone little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewheres about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.
Q Now you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived, there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of our story? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
Q What time did that hit you count? A I got out in September, well, in August, I was discharged in September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And from where did you go? A To the Cherokee Nation and from Cherokee Nation to the creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from ~~the~~ one country to the other.
Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big Creek settlement.
Q Don't you know when it wasyou first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, ~~passage of Council acknowledging my arrival.~~
Q When? A I was in the Creek Nation in the limit, the 12 months.
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on snow creek and built Love's house?
A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know, it might have been these people I am talking about.

Com'r Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #550, #552, #786, #923, #788 and #994.

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J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 25th, 1906.

Commissioner.

File with Cherokee Freedman D-738, Henry Murrell et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Ann Johnson for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A N. B. Rowe.
Q What is your age? A 53.
Q What is your postoffice address? A Rose.
Q What district do you live in? A Saline.
Q How long have you lived in Saline district? A Why I have lived there all my days, nearly.
Q Lived there before the war? A Yes, I lived there before the war.
Q Lived there after the war? A Yes, sir.
Q Did you know a colored man by the name of Dennis Murrell? A Yes, sir.
Q How far did Dennis Murrell live from you? A He lived about a mile or a half mile or something like that.
Q How long did he live that distance from you? A Well he lived eight or ten years, ten or twelve years.
Q Did you know him well? A Yes, I knew him well, he worked there for my father all the time.
Q Now how far did you say he lived from you; that was after the war, was it? A Yes, that was after the war. He lived a quarter or a half mile from my place there.
Q Did you know a sister of his by the name of Ann Murrell? A No, sir. I never knew her.
Q Did you ever see her there? A No, sir, I never saw her.
Q Do you know this applicant, whose name now is Ann Johnson, but whose maiden name was Ann Murrell? A No, sir. I don't know her.
Q Never did know her? A No, sir.
Q Did you ever see her there at Dennis Murrell's? A No, never saw her at Dennis Murrell's at all.
Q Do you know whether Dennis brought her down there with him just after the war or not? A Well I saw Dennis when he first came in there and he came in by himself.
Q He came alone? A Came alone, yes.
Q Didn't bring one with him? A No, didn't bring anyone with him, came along.
Q And he lived there within a quarter or half a mile of you for eight or ten years? A He lived there till '73. He died in '73.
Q Was this girl there when he died? A No, sir, she didn't.
Q What you have to say, you never did see or know of her? A Never did see or know anything of her.
Q Well, could this girl have lived there all this time and you not know it? A No, I saw there at Dennis Murrell's occasionally and knew Dennis. Dennis worked there at the old man's, at my father's, all his time. Dennis worked there at the old man's, at my father's, all his time.
Q Which, Mr. Rowe, which did you say your postoffice was? A Rose.
Q Was this Dennis Murrell's father? A I don't know anything about his father.
Q Did you ever know a Sandy Murrell? A No, I never knew Sandy Murrell.
Q Did you ever know Judy Murrell? A No, I never knew Judy Murrell.
Q There was no time you were in the habit of seeing Dennis Murrell

at the time you speak of? A There at my father's place and at his own place.

Q Where was that? A In Saline District.

Q What postoffice or what town was it near, or what creek, how was it identified? A Well, it was in Saline District on Spring Creek; there was a Creek run right by the place by the name of Spring Creek.

Q Now you didn't know any Caesar Murrell and you don't know Judy?

A No, sir.

Q You don't know whether there was an Ann Murrell who afterwards became Ann Johnson, that was a daughter of these two people, or not?

A No, sir.

Q You don't know anything about the family history of the people I have named as to whether they were Cherokee slaves or not? A No, I don't know anything about them, about Caesar.

Q And you don't know when this Ann Johnson who is the applicant in this case came to the Cherokee Nation at all? A No.

Q All you know about it is you didn't see her at Dennis Murrell's?

A No, I never saw her, never did see her.

Q Now what time in the year did you come back after the war; did you go out during the war? A No, I didn't go out.

Q You stayed right in the Nation? A Yes.

Q Now when was it that you saw Dennis Murrell, during that period of time? A What time he came there?

Q Yes, and from that time on how long did you see him? A Well, according to my recollection, that he came in the fall of '66, and that winter he went to work for my father, and he worked around there and made him a little place and worked for my father until in '75, and he died in '75.

Q How far did he live from you, during the year '66? A Why he stayed around - his wife stayed where her daddy was, but he worked right there at the old man's all the time, at my father's.

Q Where was Dennis' wife? A She was there with her father.

Q Where was that? A Right on up the creek to about a mile of where I lived.

Q Now Mr. Rowe, if this Ann that we are inquiring about was a little girl at that time, why she would have been there for a short time and you not known anything about it? A No, I was around through that country all the time, and if she had been there I guess I would have seen her.

Q If she had been there long enough, but suppose she had come there a short time; you were not there every day? A No, sir, I wasn't there every day.

Q Nor every week? A Yes, I reckon I was there every week.

Q And you think you didn't see her? A No, I never did see her, never did see her.

WILLIAM RAY, being duly sworn by Commissioner Bartlett, testified as follows:

Mr. Bartlett: What is your name? A William Ray.

Q What is your age? A 43 past.

Q What is your postoffice? A Barnett, Kansas.

Q You are a citizen of the State of Kansas? A Yes, sir.

Q Mr. Ray, when did you go to Kansas, move there? A Moved in along in '87 or '8.

Q After the war? A Yes, sir.

Q Did you live in the town of Barnett? A I did.

Q Have you lived in that vicinity since you first went there in '87 or '8? A Never right in the town and nearby.

Q I will ask you if you knew a colored man by the name of Dennis Murrell? A Dennis Murrell. I did.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Judy they called her.

Q Did you know her daughter there by the name of Ann? A Well no [illegible] Ann. I [illegible] to the [illegible]

Q You knew her, did you? A Yes, sir.

Q Now how long have you known Lucy Ann and her parents; when did you first know them? A I got acquainted with her parents the first few days I got to Kansas.

Q Where were they living? A They lived about three miles from Garnett on a farm.

Q Well, when did you get acquainted with Lucy Ann? A Oh well she was small then, I knew her but she was small, I never got acquainted with her for quite a while afterwards, she was a child and I never got acquainted with little children much.

Q You saw her though? A Yes, sir.

Q Well how long did you continue to see her around there? A I don't know, I saw her off and on until after she married; quite a bit.

Q Who did she marry? A She married a man, if I am not mistaken, by the name of Johnson.

Q What is his name? A Blake is what I always knew him by.

Q Well, did she live up there from the time you first knew her until she married? A Well I presume she did, as near as I know.

Q Ever know of her going away in the meantime before she married? A Oh she might have went away when they go, lots of us, to Mound City to celebrations.

Q I mean to live? A No, I never knew her to go away to live; she might have went away on visits etc.

Q Where was she married? A She was married there at Garnett.

Q About when did she marry, about how long ago? A I can't say exactly when she did marry, it must have been along in the early part of eighty, perhaps, around about there some place, I never kept no count, 81 or '2 years, somewhere along there, must have been.

Q Well, how long did she live there after she married? A I don't know as I can say right down how long, but it must have been in the neighborhood of two or three years.

Q Did she have any children there? A I think she had two.

Q Do you remember their names? A I don't remember but one of them, I am positive pretty near about the oldest one's name.

Q What was that? A I think the oldest one was named Dorothy; the other ones I never paid no attention to.

Q Where did she and her husband live after she married: in town or out of town? A In the country.

Q On a farm? A Yes, sir.

Q On whose farm? A It was then known by the name of Harvison's.

Q What direction from town was that? A Pretty near right due west, a little north of west.

Q Do you know where they went when they left there? A They moved close to the town on a little farm, I think it was about twelve acre piece belonging to Dr. Lindsey.

Q Do you know where they went when they left the vicinity of Garnett? A No, I don't, only just what I heard I can't.

Q Did you know a brother of hers by the name of Henry? A I was acquainted with Henry Harrell, somewhat, a little.

Q Was he living there with his parents when you first came there? A When I came there he was I think working in the home. He was hired out to a man named Cox.

Q What doing? A Working on a farm, splitting rails, cutting wood, etc.

Q How long did you know the family there after you became acquainted with Henry Harrell? A I don't know how long it was, as the most of my acquaintance, of course he was a young man single and I was married, but I was acquainted with his parents. I might say acquaintance, we could at least speak as we passed.

Q Do you know where he married? A Not only from what I heard, it was either Independence, Kansas, or Coffeyville, I don't know which.

Q Did you ever see his father or mother? A Oh yes.

Q Which? A I saw his father more of the mother.

Q Did you only see him on one occasion? A I saw him on

Coffeyville once.

Q Did he ever tell you where he was living when you saw him back at Garnett? A No, sir.

Q Did you never ascertain from him where he was living? A I might have, I don't recollect it now at this time.

Q Do you know whether he has got a son or not, this Henry Murrell, named John? A I did know the boy when he was a little thing, a little boy.

Q Well, where did Caesar Murrell die; is he dead? A Yes, sir.

Q Whenedid he die? A Died in Garnett.

Q Where is Judy? A She lives there in Garnett.

Q She live there yet? A She was when I came from home, I saw her a day or so ago.

Q Well, how far did you live from this family the first few years after the war, say the first ten years, up there, Caesar and Judy?

A When I first got acquainted with them, they lived about three miles in the country, and lived there quite a number of years, and then he traded his place in the country for a house and lot in town, about three blocks from where I lived, and he lived there until he died.

Q Did he own his home? A Yes, sir.

Q Own the farm out there that they traded off? A Yes, sir, I presume he owned it, I never looked at the books to find out, but everybody said he owned it.

Q It was known as his property? A Yes, everybody said he owned it.

Q Do you know whether Caesar voted up there or not, exercised the rights of citizenship? A He voted.

Q How about Henry? A I presume he voted too.

Mr. Smith: Wait a minute: you testify to what you know.

A Oh we all voted there, I don't know anything about it, we all voted.

Q How big a place was Garnett when you first went there? A Garnett was a small place when I went there, I think there was three stores, three or four, in the town.

Q A small town? A Yes, sir, there wasn't over eight or nine hundred in the neighborhood, about that.

Q How about it now? A Well, she is claimed to be around about twenty-five hundred I guess.

Q What is your occupation? A Farming.

Mr. Smith: You say Henry Murrell had a son named John? A Yes, sir, of Tom I think that is what they told me: he was a small boy when I knew him.

Q Who told you his name was John? A Why his mother and his father, of course I have seen his father several times since on a visit up there once or twice.

Q How long since you have seen John? A I don't know.

Q About how long? A I don't know as I have seen him more than once, after that, since he left there.

Q How long ago has that been? A I don't know, it must be right around about 16 or 18 years perhaps, or more.

Q Twenty probably? A I don't know, maybe, I can't identify myself to that year.

Q How old was John when he left there that you saw his twenty years ago? A He was a small boy. His mother had him up there with her.

Q Did she have any other children? A I disremember now, but it perhaps he may have had some too, I don't know, she came to this town I think and stayed quite a while making the rounds; don't any have been children.

Q How old you happen to remember old Caesar this time that that boy' name was John? A Well also the memory of man isn't very good.

Q You remember the names of all the people here from the county? A Yes, sir, I remember. A Sir, sir, I also I can say, and the people of Franklin county, I remember. A Sir, sir, I also I can say, and the people of Franklin county, I remember. A Sir, sir, I also I can say, and the people of Franklin county

their name very quickly who they are.

Q You remember the names of them all? A No, sir, I didn't say that.

Q Twenty years ago? A No, sir, I don't say I do for all of them, I don't think I can.

Q How do you happen to signle John out and remember him? A I was personally acquainted with the family of Blake Johnson's wife, his oldest child, I just happened to know it, by being acquainted with the family, of course I knew Blake Johnson's wife when she was a very little girl, not very old, and I knew all of the family; when I went there, there wasn't very many colored people in the town.

Q And you just remembered this little boy's name now for twenty years? A No, I didn't say I remembered that alone, I remembered that and other things too.

Q That was one of the things you remembered, was it? A Oh I remembered it because I talked with the old woman about him, and then Henry, his boy was up there not long ago

Q Which one? A I forget his name, a younger one.

Q How long has that been? A If I am not mistaken, it was either this spring or last fall.

Q Can't you remember his name six months? A I don't know as I ever heard his name, I might have heard it, but I never paid no attention to it.

Q How did Henry's boy, a younger one, being up there help you to remember John's name? A He didn't.

Q Why did you mention it? A I called over his father's and mother's name and I would ask him what his father was doing now, I was acquainted with his father in early days, and I asked him what his father was doing, and he went with me in the country, it was in July he was up there if I am not mistaken.

Q And still you never found out his name? A I might have found it out and never paid no attention, I got him a job in the country.

Q You never learned his name? A I might have, but I never paid no attention.

Q You can't remember it now? A I might if I heard it called now.

Q But you remember this boy's name? A Oh I remember his name just like that, I meet people here to-day and I can't remember them until my memory come to me.

Q When did you first become acquainted with Jasper Murrell? A In a few days after I got to Kansas, after I landed in Kansas.

Q When did you land there? A Either 1879 or '80, around about '80.

Q Where were you from? A North Carolina.

Q Where did you live when you first came out there? A Right in the city of Garnett.

Q And where was Murrell living? A Living out in the country somewhere about three miles from the town.

Q How often did you see Murrell during the year 1880? A I don't say.

Q How often did you see his wife during the year 1880? A I don't say. I either right along by them and I might have seen them some times a day and might not have seen them so often, I passed right by them.

Q I am asking you how often it was? A I don't know how often I saw them.

Q Now you say there was a girl there named Mary and in his family?

A We called her Mary, is what I first said.

Q Then you didn't call her any of such? A They might have had an any to it but we never called her that.

Q I am not asking you what might have been, I am asking you what was? A I called her Mary.

Q That was the name she was known by? A Yes, sir.

Q You don't know whether the woman you are talking about is the same woman that is employed here for Judge Hoyt or not? A I don't know because I never I saw her twice.

Q How long have you been with Judge? A I don't know, been quite

a while, I can't say what year.

Q About how many years? A I don't know what year it was.

Q Been ten years? A Oh it must have been along early in the eighties, latter part of seventies or early in eighties, I can't define the times right down because I don't know politics.

Q And the Henry Murrell you are talking about, you say he was in and out? A Yes, sir.

Q How about this girl Lucy that you spoke of, you say she was there when you first knew her? A Oh she was a small girl.

Q Well, did she appear to be five years old or ten? A Oh yes, she must have been along about eight or ten years old, might have been older than that, I didn't keep her age.

Q You say she stayed up there in Kansas until she married? A Well if I am not mistaken I said she might have went off on visits etc. and so on.

Q She couldn't have gone unless she went on a visit? A Oh she might, I am not going to say she didn't.

Q I just want to know what you are going to say; now this Lucy that you spoke of, you don't know anything about her whereabouts before 1868? A Not anything, no, sir.

Q Do you know where she married? A Yes, sir.

Q Where? A Garnett.

Q You see it? A I wouldn't be positive whether I saw her married or not, I saw so many of the married there I can't be positive about her, but I am sure I saw her mighty quickly afterwards before they went to bed: I am sure of that.

Q What makes you remember that? A Well my memory goes that way that I know that, because we had a little kinder of a party and he was an old chum of mine and we had a good time together.

Q Who was? A Blake Johnson.

Q You say she had two children born in Kansas? A No, sir.

Q Didn't you swear that a while ago? A No, sir, I said one and perhaps two.

Q Well, did she have one? A Why I am satisfied she had one.

Q Did you officiate on that occasion also? A No, sir.

Q How do you know she had one here? A As it was called here.

Q How do you know where it was born? A I can't identify, but well I went to see them and saw them at their house and when I came there the time and thereafter I saw child there and so again, there was a little boy there, she was calling it their own baby. It makes me satisfied it is theirs.

Q Then you go to a place and there isn't a baby there and when you go back and the baby is calling mother? A No. I didn't say that, no, I stayed to, and I knew myself.

Q How did that child is in you don't know anything about it, whether she had a baby there or not? A I don't know.

Q You are simply trying to swear to a lie, are you not? A No, sir.

Q You don't know, do you? A No, sir, I am trying to say anything I don't know.

Q As a matter of fact you don't know where any children were born? A I have children that were born in the end of [illegible].

Q You don't know anything [illegible] in Kansas or not? A That is all right, if you don't know [illegible].

Q Does it [illegible]? A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. A. Johnson.

Q What is your age? A 71 years old.

Q What is your postoffice? A Garnett, Kansas.

Q How long has that been your postoffice? A Since 1858.

Q Did you know a colored man by the name of Ceasar Murrell?

A Yes, sir.

Q Did you know his wife Judy? A Yes, sir.

Q When did you first learn to know them? A Well, about the winter of '85 and '86.

Q Where were they living? A They were living there in the vicinity of Garnett.

Q How long did Ceasar Murrell continue to live there in that vicinity? A He lived there until he died, about - I have no very definite way of fixing the date, but it has been some from eight to twelve years, somewhere along there.

Q Is his wife living yet? A Yes, sir, she lives in Garnett.

Q Did you know a daughter of theirs by the name of Ann? A A daughter of Murrell's?

Q Daughter of Ceasar Murrell? A Yes, sir.

Q Did you know her husband? A She married a man by the name of Johnson, I know him.

Q Do you know how long they lived around there after her marriage to Johnson? A I don't remember just the time they were married, but they lived there for a number of years, they were in the country not far from Garnett; - the last I knew of them they lived some eight or ten miles from town.

Q Mr. Johnson, did you know Henry Murrell, the son of Ceasar?

A Yes, sir.

Q How long did you know him there after the war? A Some 15 or 16 years.

Q Do you know what he did? A Why he was a kind of a roustabout in the hotel there for a number of years.

Q He was the son of Ceasar and Judy? A Yes, sir, understood to be and so recognized.

Q Mr. Johnson, I believe you are a practicing attorney? A Yes, sir, I have been since '55.

Q You hold any official position now? A No, not at present.

Q Well, you have held some officials positions there? A Yes, sir. I have held a number of official positions, I have been County Attorney, I was presiding judge of the court of appeals of the southern Department of Kansas, and chief Justice of the Court of Visitation.

Q You have had an opportunity of knowing most everybody around in that vicinity, I judge? A Why I thought I did, I knew most everybody in the county at one time; the county was sparsely settled for a number of years after the war.

Q Do you know how large a place was Garnett in '66 or '7 along there?

A I should judge from about eight hundred to a thousand.

Q What is its population now? A Something like three thousand.

Q Do you know whether Ceasar Murrell owned property there? A He did.

Q [illegible] Mr. Johnson, when did you [illegible] acquainted with Ceasar Murrell before? A [illegible] the latter part of '65 or '66.

Q Don't know which? A No, sir, he was [illegible] of the [illegible] and I [illegible]

Q [illegible] did you signal up to [illegible] the [illegible] you [illegible] to [illegible]? A I don't [illegible]

Q [illegible] number of [illegible] called [illegible]

A I believe [illegible] I [illegible] [illegible] I [illegible] there [illegible]

A [illegible]

Q [illegible]

stances.

Q You don't remember anything at all about the child? A No, not until she was grown and married.

Q Now as to Henry Murrell, how old was he, or how large, when you first knew him? A Well he was a lad something like fifteen or sixteen years old.

Q State whether he was in Garnett continuously or whether he was there part of the time and away part of the time? A That I can't say, whether he was away at any time or not; if he was I failed to miss him.

Q You probably would not have missed him if he had been away?

A No, sir, I would not.

Mr. Hastings: Now the girl that you spoke of is the one that married Blake Johnson? A Yes, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and a copy thereof will be made part of the record in Freedman D-462, and also in D-832 and D-784.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry Murrell et al., as Cherokee freedmen, consolidating the applications of:

Henry Murrell et al	Cherokee Freedmen	D-788
John Murrell	Cherokee Freedmen	D-832

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Henry Murrell for himself, his wife, Melinda Murrell, and his minor children, Jesse, Willie and Nola B. Murrell; and by John Murrell for himself. The said Melinda Murrell claims only as a citizen by intermarriage and her rights are not passed upon in this decision. Copies of the testimony taken at various times in the matter of the applications of Nelson Murrell et al., and Ann Johnson as Cherokee freedmen, are made a part of the record herein.

The evidence shows that the applicant, Henry Murrell, was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion and returned to the Cherokee Nation with Nelson Murrell. The Commission has heretofore found in the case of said Nelson Murrell, Cherokee freedman D-548, that he did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 8, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; therefore, said Henry Murrell did not return within the time specified in said decree, supra.

The evidence further shows that all the other applicants herein were born since 1866, and that they are the descendants of said Henry Murrell and have no rights to enrollment except such as they may have derived through him.

None of the names of the applicants herein are found on the last authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Henry Murrell, Jesse Murrell, Willie Murrell, Nola B. Murrell and John Murrell as Cherokee freedmen

should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.
Chairman.

SIGNED T. B. Needles.
Commissioner.

SIGNED. C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 29 1904

Ct. No. ~~788~~ ~~75~~

788

Proof of Service made
and original filed with the
Clerk [illegible]

SEP 28 1961

NOTICE!

IN THE MATTER OF the application of Henry Murrell for enrollment as Cherokee Freedmen:

Case No. F. D 788

To Henry Murrell Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sep 20 1901

R B Bell

M M Hastings

J L Davenport

Attorneys for the Cherokee Nation.

FC 258

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Henry Murrell, et al

788

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 30, 1906.

That applications were made for their enrollment prior to September 1, 1906.

Therefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Tahlequah, I. T., this ___ day of _____, 1908.

WM. GUNTER & BATTENFIELD,
Attorneys for Cherokee Nation.

By _____

MDG

COMMISSIONERS:
TAMES BIXBY
THOMAS B. NEEDLES
C. R. BREDKINRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-832 D-788.

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904 rejecting the applications for the enrollment of Henry, Jesse, Willie, Nola B. and John Murrell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Encl. S-197.

Cher.Fr.D-789

Cher.Fr.D-789

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of Charles Claggett for the enrollment of himself as a Cherokee Freedman by intermarriage, and for the enrollment of his wife, Ruth Claggett, and four children, as Cherokee Freedmen.

Charles Claggett, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charles Claggett.
Q How old are you? A 35.
Q What is your post office address? A Nowata.
Q What district do you live in? A Goweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A No, sir.
Q Well, what do you want here? A I want to enroll my family, and myself as an adopted citizen.
Q How much family have you got? A I have got a wife and four children.
Q What is the name of your wife? A Ruthie Claggett.
Q How old is she? A She is 25.
Q What are the names of your children? A Millie June.
Q How old is she? A She is 8.
Q The name of the next child? A Tessie May.
Q How old is she? A 6.
Q Next? A Ralph Noble.
Q How old is he? A 3.
Q The next? A Charles Andrew.
Q How old is Charles Andrew? A 8 months old.
Q What is your ~~xxx~~ wife's father's name? A Andrew Frye.
Q What is her mother's name? A Millie Frye.
Q Your wifes name on the roll of 1880? A Yes, sir.
Q When were you married? A In 1892.
Q You are what is known as a state man, are you? A Yes, sir.
Q Did you have a marriage license? A Yes, sir.
Q Please present it? (Hands Commissioner paper.)

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicants identified thereon as follows:

Ruth Claggett on page 250, No. 1082, Delaware district, as Ruth Frye;

Charles Claggett not on 1880 roll;

The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:

Ruth Claggett on page 304, No. 100, Goweescoowee district;
Millie J. Claggett on page 305, No. 101, Goweescoowee dist.;
Tessie M. Claggett on page 304, No. 102, Goweescoowee dist.;
Charles Claggett not on roll.

Q Was Ruth Frye your first wife? A Only one ever I had.
Q Are you her first husband? A Yes, sir.
Q Have you been living with her continuously since you married her?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Are these children all living? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir, right up here on California Creek, three miles from here.

Mr. Y. Hastings, Cherokee attorney: What is your mother's name?
A Mary Claggett.

Commissioner: Applicant presents a duly authenticated marriage license, issued by the authorities of the Cherokee Nation, authorizing him to marry Miss Ruth Frye, a citizen of the Cherokee Nation, and a certificate of marriage certifying that he was married to Miss Ruth Frye on the 9th of January, 1892, said certificate being recorded as provided by the laws

Charles Claggett - 2.

of the Cherokee Nation. He avers that he was married to Ruth Frye, and the name of Ruth Frye is found upon the authenticated roll of 1880, as well as the census roll of 1896. He avers that by said marriage he has four children, Willie L., Tessie M., Ralph N., and Charles A., and the names of the two oldest children are duly identified upon the census roll of 1896. The names of the two youngest children, Ralph N. and Charles A., do not appear upon any rolls, consequently it will be necessary for him to file satisfactory proof of birth. They are all duly identified and make satisfactory proof of residence, consequently Ruth Claggett and her four children as enumerated herein will be listed for enrollment as a Cherokee Freedman. Said Charles Claggett will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. He will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 24th day of June, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

Supl. C.F.D.#789.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 20, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Charles Claggett for enrollment as a Cherokee freedman, introduced on the part of the Cherokee Nation:

APPEARANCES:
Applicant present in person;
Mr. W. W. Hastings, for Cherokee Nation.

Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of September, 1901.

C. R. Breckinridge

Commissioner.

File with C.F. D-789, Charles Claggett.

SUPPLEMENTAL: C.F. D-194, George Daniels, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of George Daniels et al for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
L. B. Bell, Esq., of Attorneys for Cherokee Nation.
I. P. Bledsoe, Esq., Agent for the applicants.

G.W.CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A G. W. Clark.
Q How old are you? A 58.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. BELL:

Q This is the case of George Daniels, a Freedman, claiming rights as a Cherokee under the treaty of 1866; his home is in Saline District; are you acquainted with one George Daniels? A Yes sir.
Q He was a grand-son of old man Griffin Daniels? A Yes sir.
Q About when did you first see him? A I rather think it was about the fall of '48, or maybe '67; he was just a boy like.
Q Where was that at? A It was at my place, right joining my place.
Q What district? A In Delaware at that time.
Q Was it over in what they call the Six Mile Bottom? A Yes sir.
Q See where was this boy's home at the time you first saw him? A He stopped there with his grandfather, Griffin and his grandmother.
Q Old man Griffin Daniels? A Yes sir.
Q Where did old man Griffin live? A He lived the latter part of the war in a little house right down in the prairie, about three-quarters of a mile from me, on the edge of the prairie, down towards the old Joe Cochran place.
Q Are you acquainted with one Simon Lynch, a Freedman? A Yes sir.
Q Where did he live in '66, or do you know? A He lived on Cabin Creek, about above the old military crossing; little house up there over we called the Delaney place.
Q When did Simon, if he did move, move into Saline District? A He must have moved into Saline District in the spring of '67.
Q That's one of the things we want to get. A Yes, he was there two years, in the fall of '68 he moved from Cabin Creek place he went to Six Mile Bottom to a place not far from old man Delaney, there's a little house right across the branch and I put him in there and the sister and then he moved right across the river and the old man stayed in that same house on the edge of the prairie until the latter part of that fall, and then he went over the river and put a house down to Simon in Saline District.
Q Are you acquainted with one William R. Daniels? A Yes sir.
Q Did he live on prairie to old or '68? A Yes sir, he lived in Delaware in the spring of '68; he was married to Mr. Daniels in the spring of '68; he was married to Mr. [illegible] in his house and put a little house on the edge of the prairie. He and his brother lived together, Henry Daniels.
Q Are you able to tell that? A Very frequently have been in the house and my sister's children, and we made many times after and they put a little house and stayed and sometimes, and we had I put up a little house to protect a lot of old people there. [illegible]

iels breaking new ground for him? A No sir, he wasn't up in that part of the country then.
Q You are well acquainted with this boy George are you? A Oh yes, I know him from the time they brought him up there; that is the reason I differ with them about the time they brought him there; I don't think they brought him there until '68, because I had a sister that got away from us during the war and she was down in Flint District close to Red Watt Adair close to Honey Spring, and I went down there after my sister and I went by Woodall's and stopped there and taken dinner, and these children was there then, this boy; that's a long time for remembrance but that's my remembrance of it.
Q What year was that you say you went down? A '67, fall of '67.
Q You say then that Foreman didn't have this boy hired breaking prairie? A No that boy wasn't up in that part of the country.
Q Was he old enough or not to drive a team and break prairie? A No sir, he wasn't old enough to plow with a single p ow I don't think.
Q Did old man Griffin finally move across the river? A He moved acr ss the river in the fall after Simon moved across in the spring and erected a little house about a quarter of a mile from his son. The old man lived there until he got so feeble, and he is dead now; I think he died at Simon's
BY MR. BIRDSOE:
Q Do you know who the father and mother of George was? A No sir.
Q You don't know whether they were alive or dead when you saw him in '67? A No, I don't know.; I think Mr. Woodall had this one and another one there.
Q Do you know whether they were slaves of Cherokee citizens at the commencement of the war? A I thin they belonged to Miss Woodall, she was Bob Daniel's sister.
Q First time you saw this boy was in '67? A I think it was '67, fall of '67.
Q How old was he at that time? A He was just a chunk of a boy.
Q 8 or 10 years old? A He didn't look to be more than about 7 years old, or 8.
Q Living with his grandfather? A No, I first saw him at Mr. Woodall's, and I think I brought the word back ; you see Mrs Woodall, we was all well acquainted, and she found out I lived right close to her brother, he lived on one side of the river and I lived on the other, and I think they told me to tell those o ld folks that they brought that boy, or had him.
Q They had brought him back there? A Yes sir, didn't come, they brought him back, I don't know
Q He was mistaken about this boy's doing work for him, because he wasn't old enough? A No sir, he wasn't old enough.
Q Do you recollect seeing this Mr Grace that time? A Yes sir. He has lived in that vicinity ever since? A He had his to work for me
Q Has he been recognized as a citizen? A I don't know, I moved out of the district about the time he got able to go to the polls, and I really don't know.
Q Do you know anything about him contracting a marriage business and for omitting back to the Cherokee Nation? A Yes sir.
Q He is recognized as a Cherokee citizen by that matter? A Oh yes, he is right there doing business there.
MR. WILL: I object to that, on the ground that it calls for an opinion from Mr. Grace , and he stated to me to state that, and he has to state facts.
BY MR. BIRDSOE:
Q Do you know there are hundreds of people that have gone to the Cherokee Nation that are not recognized as citizens? A It seems to be a pretty expensive; they all do be that way to. They need to go to the Chickasaw and do that way, but it has caused a lot of fellow that came to come to and rate up

George Daniels et al (Supp'l) 3

Commissioner Breckinridge: This will be filed as supplemental testimony in the case of George Daniels et al., Cherokee Freedman, D-184, and also in Cherokee Freedmen doubtful cases, 218, 219, and 789.

(Also filed in D1036.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

4,21-89

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1904.

Given under my hand this

day A. D. 1904

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of 1904

Attorney for Applicant

NOTICE!

IN THE MATTER OF The application of .....
for enrollment as a Cherokee Freedman: Charles Claggett

Case No. F. D. 790

To Charles Claggett: Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 20th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1st day of 1901

L. B. Bell
M. W. Hastings

Attorneys for the Cherokee Nation.

Cher.Fr.D-790

Cher.Fr.D-790

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of John Wilson for the enrollment of himself and one child and one sister and one brother as Cherokee Freedmen.

John Wilson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Wilson.
Q What is your age? A 27.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Coweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir, Cherokee Freedman descendant.
Q Who do you want to enroll besides yourself? A One child of my wife, and my brother and sister, the two younger ones.
Q You want to apply for yourself and one child? A Yes, sir.
Q What is the child's name? A Amelia.
Q How old is she? A Two months old.
Q Who else do you want to enroll? A Annie Wilson.
Q Who is Annie Wilson? A That is my sister.
Q How old is Annie Wilson? A She is 19.
Q Who else? A Jesse Wilson.
Q Who is Jesse? A That is my brother.
Q How old is he? A 16.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Liz Wilson.
Q Is she a citizen? A No, sir.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q What is your father's name? A Gil Wilson.
Q Are he been enrolled? A No, sir.
Q What is your mother's name? A Millie Wilson.
Q Are she been enrolled? A Yes, sir.
Q Your father's name on the roll of 1880? A No, sir, I don't think it is.
Q Did you draw what is known as the Kern-Clifton money? A No, sir.
Q Did you ever draw any money? A Wallace.
Q The Wallace roll is the only roll your name is on? A Yes, sir.
Q The Wallace roll is the only roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined and the applicants not identified thereon.
Q Your mother's name was what? A Amelia Wilson.
The Wallace roll examined and the applicants identified thereon as follows:
John Wilson on page 128, No. 2009, Coweescoowee district.
Q Did Annie and Jesse draw Wallace money? A I don't think Jesse drew.
Annie Wilson on page 144, No. 2281, Coweescoowee district, as Allie Wilson.
Q Annie and Jesse your brothers? A Brother and sister.
Q Are you both children of Amelia Wilson? A Yes, sir.
Q When your have you got of your children, your name isn't on the roll of 1880 and your father hasn't been enrolled with you?
A She is enrolled on the Wallace roll.
Q You has never been before the commission yet, has she? A No, sir, not before this one, she is dead.
Q Is your father dead too? A No, sir, he is living.
Q What is his name? A Gil Wilson.

John wilson - 8.

Q Where is he? A I don't know where he is, he left us, he married again.
Q Well, have you got any witnesses here? A Yes, sir.
Q Who are they? A Millie Frye and Fred Martin.
Q Where were you born? A In the Cherokee Nation, Timbered Hill.
Q Is your wife a citizen? A No, sir.
Q She is a non citizen? A Yes, sir.
Q When were you married to her? A The 18th of last April.
Q You don't apply for her then, do you, or do you? A No, sir.
Q This child Amelia is alive, is she? A Yes, sir.
Q Is Annie and Jesse living? A Yes, sir.
Q They are your brothers? A brother and sister.

Q Well, now do you know whether your father and mother were a green? A My mother was I think.
Q Who did she belong to? A Landrums, I think.
Q Were the Landrums Cherokee citizens? A Yes, sir.
Q Indians? A That is what I have been taught, I don't know it myself.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Know anything about your father and mother? A No, sir.
Q Or whether she went out? A No, sir.
Mr. Wantling: Where have you been living ever since you can remember? A Right here in the Cherokee Nation is all.
Q You live on Timbered Hill? A Yes, sir.
Q Near Bluejacket? A No, sir, over here, up in Goowee-coowee close to Coffeyville, about ten miles southwest.
Q How long have you been there? A I don't know, ever since I was small.
Q Where were you born? A Right there.
Q At Timbered Hill? A Yes, sir.
Q How old did you say you were? A About 26 or 27.
Q You have been living at the same place ever since? A Yes, sir.
Q How far is it from Coffeyville? A About ten miles southwest.
Q Who lives near you? A Ben Downing.
Q Anybody else? A Yes, sir, Lum Brown.
Q Millie Frye kin to you? A They say she is, I don't know, my mother always said that.
Q Fred Martin any kin to you? A I don't know whether he is or not.

Millie Frye, being duly sworn and examined by Commissioner Mooney, testified as follows:
Q Your name is Millie Frye, is it? A Yes, sir.
Q What is your age? A I am 64 years old.
Q What is your post office? A Vinita.
Q Do you know John Wilson, the applicant? A Yes sir, yes sir.
Q What was his mother's name? A His mothers name was Millie.
Q Do you know his mother? A Yes, sir.
Q Named Millie Wilson? A Yes, sir.
Q Was his mother a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Pauline Landrum.
Q Was Pauline Landrum a Cherokee citizen? A Yes, sir.
Q Do you know whether Amelia Wilson was taken out of the Cherokee Nation during the war? A Yes, sir. She was.
Q Where to? A The west to Texas where we did in '66.
Q Went with you? A Yes, sir, in the same wagon we went in.
Q Went with the mother? A I don't tell you.
Q When did you first see her after the war? A I don't remember, [illegible] I saw her across the river at Fort Smith.

Bean, I don't remember just what year it was in.
Q You don't recollect how long it was after the war? A No, sir, never paid no attention to it at all, I saw her at her aunt's with these children.
Mr. Hastings: This boy with her? A Yes, sir, she had two or three with her.
Q Who was her mother? A Sophie was her mother; Mr. Bell knows the family.

Fred Martin, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Fred Martin.
Q What is your age? A 45
Q What is your post office address? A Spavinaw.
Q Do you know the applicant, John Wilson? A No, sir, I don't know him, I knew his mother.
Q You know Amelia Wilson? A Yes, sir.
Q That was his mother? A Yes, sir.
Q Well, how long did you know Amelia Wilson? A It was about '68 when I got acquainted with her, when I saw her at aunt Rachel Bean's on Grand River.
Q Saw her in '68? A Yes, sir.
Q Was she a slave, do you know? A I don't know that.
Q Do you know whether she went out of the Cherokee Nation during the war? A No, sir.
Q Do you know when she returned? A No, sir.
Q The first you saw of her, she was here in '68? A Yes, sir, I knew her at Aunt Rachel's.

Commissioner: John Wilson applies for the enrollment of himself and his child Amelia. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Wallace roll. He also applies for his brother Jesse and his sister Annie. The name of his sister Annie is identified upon the Wallace roll. He avers that he and his brother and sister are the children of Vil Wilson, and Amelia Wilson, and that Amelia Wilson was a slave. He makes no satisfactory proof as to marriage between himself and his wife, he averring that his wife is a non citizen. He makes no satisfactory proof of birth as to his child Amelia. Now John Wilson, his child Amelia, and his brother Jesse and his sister Annie will be listed for enrollment as Cherokee freedmen upon a doubtful card. It will be necessary for him to make proof of marriage to his wife, Lizzie, and make proof of birth as to his child Amelia, and also proof of birth as to his brother Jesse. His name not appearing upon the rolls. He will be notified by mail of the decision of the Commission in the premises.

Supplemental testimony, June 24, 1902.

Filmore Hicks, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 38

John Wilson - 4.

Q Your post office address? A Vinita.
Q Do you know the applicant, John Wilson? A No, sir, I don't know him.
Q Did you know his father? A No, sir.
Q Did you know the applicant's mother, Amelia Wilson? A I knew Amelia Landrum.
Q Was Amelia Landrum a slave? A Yes, sir.
~~Q To whom did she belong? A Belonged to Tom Landrum.~~
Q Was he a Cherokee citizen? A Yes, sir.
Q Well, you know whether she went out of the Cherokee Nation or not during the war between the north and south? A I don't know.
Q When did you first see her after the war? A Well, I will not be positive about whether it was in '67 or '8.
Q In what part of '67? A Along early as well as I recollect.
Q Where was that? A On Lynch's Prairie, on the Grand River.
Q Choctaw Nation? A Cherokee Nation.
Q Is she living now? A I can't say.
Q You don't know the applicant at all? A No, sir.
Mr. Hastings: You are not positive whether it was '67 or '8?
A No, sir.

Frank Ross, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Frank Ross.
Q Do you know the applicant here, John Landrum? A Knowed his mother.
Q You don't know him? A No, sir.
Q What was his mother's name? A Celia Landrum.
Q Was she a slave? A Yes, sir, they said she was.
Q To whom did she belong? A She belonged to some of the Landrums; I wasn't acquainted with her before the war.
Q Did you know her in the Cherokee Nation? A No, sir, I never knew her till after the war.
Q When did you first see her after the war? A It was in '67.
Q What part of '67? A Along in the fall.
Q Fall of '67? A Yes, sir.
Q Where was this you saw her? A Saw her up on the Verdigris River.

Commissioner: This testimony will be filed with the case.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenograph his notes thereof.

[signature]

Sworn to and subscribed before me this the 8th of June 1906.

[signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 21st 1901.

SUPPLEMENTAL TESTIMONY TO BE FILED IN THE CASE OF JOHN WILSON
CHEROKEE FREEDMAN "D" CARD #750.

~~Applicant present:~~
L. B. Bell and W. W. Hastings, Cherokee Representatives present.

ALLEN LYNCH called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

By Com'r Needles,-

Q What is your name? A. Allen Lynch.
Q Do you know this applicant here? A Yes sir.
Q How long have you known him? A I have known him 10 or 15 years, I knowed his mother.
Q What was her name? A. Amelia Landrum.
Q Was she a slave during the war or before the war? A. Yes sir.
Q What was her owners name? A. Lyon Landrum.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas .
Q When did she return? A. In the summer of '65 to Art Williams'place on Cabbin creek.
Q Is she living now? A. No sir, I think not.
Q That was in the Cherokee Nation was it where she returned to? A Yes sir.
Q Did you know her from that time until she died? A. I saw her two or three times.
Q You wasn't with her in Kansas? A. No sir.

By W. W. Hastings-

Q You dont know where she went to from there? A. No sir.
Q You dont know where this man was born? A. No sir.
Q You dont know where his brother was born, the one who just applied A No sir.
Q Where did Tom Landrum live? A. Near where Jack Harris lives.
Q Near what town now? A. Chelsea.
Q How far from where Chelsea is now? A. 12 or 15 miles, on Grand river.
Q Did you know her mother? A. Yes sir.
Q What was her name? A. Amelia Landrum.
Q Where did Art Williams live after the war? A. Right where the Harris field is now on Cabbin creek.
Q How far from where Chelsea is now? A. Two and a half miles.
Q In what direction? A. I call it south.
Q Where were you living then? A. Right in the creek.
Q You never testified for this family then from old roll? A. No sir.
Q Do Art Williams living now? A. No sir.
Q Is his family living? A. I think he has some children. I think one wife is living and some girls.
Q Did you see Jim Cobb there at Art's? A. I saw him, some times he used to come to see him.

Q Was this woman's husband with her then? A. No sir.
Q Any children? A. No sir.
Q Just there by herself? A. Her brother was there.
Q What was his name? A. Isaac Johnson or Vann, he belonged to Jim Vann.
Q This boys case was brought up yesterday wasn't it? A I dont know, I wasn't here.
Q You were on the ground? A I was down in town.
Q Do you know Milly Frye? A. Yes sir.
Q Where did she live in '66? A. On Grandriver at the Dr. Thompson place.
Q You never saw this woman again until the Wallace court did you? A No sir.

By L. B. Bell-

Q Who is this Barns you are talking about? A. That Barns that lives near Vinita and who whipped his wife, you know him Col just as well as I do, its about a 100 yards from Big Cabbin creek.
Q Did Art live in a house there? A. Yes sir.
Q What became of that house? A. I dont know what became of it.
Q How far is this place from the Arlooly house? A. A quarter of a mile down the creek; we was living in the Arlooly house.
Q When did you leave there? A. In July.
Q When did Art leave there? A. Some time that fall, I tended a bunch of cattle for George Clark after that.

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This will be filed as additional testimony in the case of John Wilson Cherokee Freedman Doubtful card #790 and a copy thereof will be filed with the case of George Wilson on Cherokee Freedman Doubtful Card #793.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this the 1st of July, 1901 at Muskogee, I. T.

Commissioner.

File with Cherokee Freedmen D-790, John Wilson et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29, 1901.

In the matter of the application of John Wilson et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, Agent for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

MARY WHITE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Mary White.

Q Where do you live? A Two miles south of Vinita.

Q How long have you lived in the Cherokee Nation? A About twenty years.

Q Where did you live before coming to the Cherokee Nation? A I lived in Kansas.

Q At what point in Kansas, Mrs. White? A Along in '59 I lived in Ottawa, Kansas.

Q '59 do you mean, or '69? A '59, yes, '69.

Q While you lived in or near Ottawa did you ever get acquainted with a colored family by the name of Wilsons? A Yes, sir.

Q Do you know any of their names? A Eli Wilson and Henry Wilson and the mother of these boys was, I am not certain, but her name was Callie, they called her Cal.

Q Where were they living when you were acquainted with them? A They were living in East Ottawa, next to the river.

Q Do you know whether or not Eli was grown at that time? A Yes, sir, he was grown, a grown man.

Q Did Eli ever work for your family? A Yes, sir, he drove cattle for Mr. White.

Q What do you mean by drove cattle? A He drove an ox team.

Q What were they doing that he was driving an ox team? A They were hauling saw logs off the Veridgris.

Q Do you know to whom mill they were hauling? A Yes, sir, Mr. Beatty, Adam and John Beatty.

Q That was in '69? A Yes, sir, that was in the summer and fall of '69.

Q How long did he remain there to your knowledge, Eli Wilson? A I don't know exactly, I left there in '71, and Mrs. Wilson was still there, but I am not certain whether he was there or not.

Q Have you ever seen them since that time, Eli or any of the family?

A I haven't seen Eli, I have seen the old lady some.

Q Where was that and when? A I saw her in Coffeyville.

Q That was after you had moved from near the Territory line? A Yes sir, then we came down and we been living a mile south of Coffeyville ever.

Q Did you learn from the old lady where they were living? A No, sir, I didn't.

Q Mr. Brown: How old are you, Mrs. White? A 50.

Q What did you say Eli Wilson's wife was named? A I am not certain, but it seems like she was Matilda, or called her Matilda.

Q You made some mention about a negro William? A Yes, sir.

Q Who was he? A They he was a brother. I think, if Eli he was there named that. I don't know that he was a brother, it seems like he was there with them.

Q Where did you first find the acquaintance of this family? A It was in the summer and fall. I began and left this acquaintance when I left. I moved their boy, Henry Wilson, and I

[illegible]

in the summer and fall of '69.

Q '69 or '59? Which was it? A '59, that was it.

Mr. Davenport: You are mistaken about it being '59, it was after the war, wasn't it? A Yes, sir.

Q Well it was '69? A Yes it was '69.

Q I want you to be correct as to what time it was? A Well it was '69.

L. T. Brown: Where were you living at that time? A We were living in Ottawa, Kansas.

Q In the town of Ottawa? A In the town of Ottawa.

Q Well now prior to '59 did you know anything about them? A No, sir.

Q Don't know where they were in '68? A No, sir.

Q How long did they continue to live in Ottawa? A I don't know, we lived there in Ottawa and we left them there, we left the old lady, I don't know about the boys.

Q You say her there in '69? A Yes, sir.

Q And you left there in '70? A In '71-We left Ottawa.

Q Did you ever go back to Ottawa before you came to the Cherokee Nation? A No, sir.

STEPHEN WHITE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Stephen White.

Q Where do you live? A Two miles south of here.

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation eighteen years.

Q Where did you live before you moved to the Cherokee Nation Mr. White? A I lived several places, Ottawa Kansas and Green County.

Q While you were living in Ottawa, Kansas, did you know a family of colored people named Wilson? A I did.

Q When did you get acquainted with them? A I got acquainted with them in '69.

Q Do you remember any of their names? A Eli Wilson and Henry Wilson, there were two I remember well.

Q Did they have any families, either of them? A I think Henry Wilson had a family at that time.

Q Do you know what his wife's name was? A No, sir.

Q You say he had a mother? A Yes, sir.

Q Do you know what her name was? A She went by the name of Wallace at that time, she married a Wallace.

Q Were you with Eli any during the time? A Yes, sir, I was with Eli a while. I was sick in the fall of '69 and in August I was driving an ox team, logging.

Q What kind of work was he doing, hauling for you? A Hauling logs.

Q To what place? A To Adam Beatty's, Beatty Brothers, Adam and John.

Q When did you move away from Ottawa, Kansas? A I moved away in '71.

Q In '71 Kansas? A In '71.

Q Well since you moved away from there have you ever seen Eli Wilson? A I saw him at Jeffersville.

Q About how many years ago? A Well sir, now I just can't tell just exactly the time is. I didn't pay any attention to it.

Q Do you know whether or not he is living now or dead? A I don't.

Q Where was he living at that time. Or did you have any conversation with him as to where he was living? A No, he told me he was living at Tahlequah.

Q Tahlequah Nation, in what county? A Where not far from Jeffersville.

Q In Kansas? A No, in the Cherokee Nation.

By L. T. Brown: When was Eli he said you that? A Why home at Jeffersville. I don't know just exactly when he was. Eli has been about seven or ten years ago.

Q Did he tell you that he was living in the Cherokee Nation? A Yes, sir.

now it might not have been so long and it might have been longer, I didn't keep any memory of it.

Q Now when did you say you first formed his acquaintance? A At Ottawa in '69.

Q How do you fix that date? A I fixthat date because that is the year I went there.

Q You got acquainted with him the year you want there? A Yes, sir.

Q How long did you remain in Ottawa? A I remained there till '71, 3 years.

Q Where was Eli Wilson and his wife in the year '66? A I don't know, I wasn't there.

Q '67? A I don't know, I wasn't there.

Q You know nothing about them except in the year '69 and '70 up to '71, at which time you left? A That is all.

Q You don't know who they belonged to at the beginning of the war?

A No, sir, I wasn't well acquainted with their mother, I didn't ask them.

Q And you say you met him 12 or 14 years ago and he told you at that time he was living in the Cherokee Nation? A Yes, sir.

Mr. Davenport: Where was he living at the time you moved away from Ottawa? A Living there at Ottawa.

By L. T. Brown: Did you see him the day you left? A No, sir.

Q How do you know he was there? A I know he was there because he had worked for me there over two years.

Q You didn't see him the day you moved away? A No, sir

Q Now how can you swear positively he was living there if you didn't see him when you left? A I saw him a day or two before I left.

Q I mean the day you left? A Well he might not have been living there the day I left.

Commissioner: A copy of this testimony will be filed with Cherokee Freedman doubtful cases D-790, entitled John Wilson et al; copies will also be filed with Cherokee Freedman doubtful cases D-793, D-800, and D-801.

****

Arthur C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this the 15th of November, 1901.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 13 1901

C.F. D-790.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of John Wilson et al. for enrollment as Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

SAWNEY GURRY, being duly sworn and examined by Commissioner Bredkinridge, testified as follows:

Q Give me your full name? A Sawney Gurry.
Q How old are you? A 64.
Q What is your posteffice? A Centralia.
Q In the Cherokee Nation? A Yes, sir.
By L. T. Brown: Do you know the applicant, John Wilson? A Yes, sir, I know him.
Q Do you know his wife, Eliza? A Yes, sir, I have seen her.
Q Do you know whether or not John Wilson and Eliza Wilson were ever married? A Yes, sir.
Q How do you know it? A I was there, was at their wedding.
Q Where were they married? A They were married this last April a year ago.
Q Where were they married? A Timbered Hill west of Coffeyville.
Q That in the Cherokee Nation? A Yes, sir.
Mr. Davenport: What John Wilson are you talking about? A Eli Wilson's son.
Q That is the one that has some minor brothers and one sister that applied with him, that the one you are talking about? A Yes, sir, that is the one I am talking about.
Q What are the names of his brothers and sister? A I don't know them, I am not well acquainted with them, it has been so long since I saw them.
Q When did you see them last? A His sister, it has been a year or two years.
Q Where do you live with reference to where they live?
A I live east of Timbered Hill on Big Creek.
Q They married a year ago last April? A Yes, sir, last April.
Q How long had you known ther before they married? A I didn't know his wife, I wasn't acquainted with her very well, but I knew his father.
Q You knew Eli Wilson? A Yes, sir, I have known him 15 or 20 years.
Q Ever since he moved down to Timbered Hill? A Yes, sir.
Commissioner: Did you see John Wilson married? A Yes, sir.
Q What is the name of his wife? A Her name is Lizzie.
Q Her given name is Lizzie, is it? A Yes, sir, her first name.
Commissioner: This will be filed as supplemental testimony in Cherokee Freedman case D-790, John Wilson et al; there will be no reference.

Bruce S. Jones, being duly sworn, says that he stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 1st day of November, 1901.

Stenographer.

F. D-772.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of John Wilson for enrollment as a Cherokee freedman.

SUPPLEMENTAL TO D-790.

APPEARANCES:
Lewis T. Brown for applicant.
W. F. Hastings for Cherokee Nation.

H. C. HARFORD, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. H. C. Harford.
Q What is your age, Mr. Harford? A My age will soon be 46.
Q What is your postoffice? A Postoffice is Ottawa, Franklin County, Kansas.
Q How long has that been your postoffice? A Been my postoffice since 1868.
Q Did you know any Cherokee darkies living in that country in the year of 1868, '7, '8, and '9? A Yes, sir.
Q Name some of them? A Well there was Rachel Bean, Bob Beam, Henry Wilson, Dave Martin, Lou Martin, and Lewt Wilson, and Millie Wilson.
Q Eli Wilson? A Eli.
Q Well when did you learn to know Eli and Millie Wilson? A They came, I, or '70, and we above '70, '72 and '3.
Q Did they commence living together up there? A Yes, sir.
Q How far did Eli and Millie live from you? A They lived from my first one block east.
Q And how long did they continue to live there? A They lived there from that on about years.
Q They claimed to be Cherokee darkies? A Yes, sir, they did, claimed their rights down here in this country.
Q Do you know where they went when they left up there? A No, sir, I do not. Well I say I don't; I know where they were reported to be going; reported to be going to Coffeyville.
Q You don't know except from hearsay? A No, sir.
Q You say the man was named and and his wife Millie? A Yes, sir, Millie.
Q Did you know them well? A Yes, sir, I got pretty well acquainted with them.
Q Did they live about a block from you? A Just one block east from me.
Q In town? A In town.
Q Do you know where they came from when they came there? A No, sir, I do not.
Q Did you see the transaction? A Frequently, every day or two, [illegible]
Q Had a family with them? A He had a child and one called them, he supposed to be mine; I don't know whether it was or not; I don't know anything about that.
Q And about how many did they have when they went? A Two, sir.
Q What was the child's name? A Ed was the name.
Q [illegible] A [illegible]
[illegible]
Q Where did they go to from there? A They went [illegible]
Q [illegible] A [illegible]

the name of Stroter, kept house for them there.
Q How long? A Oh, from a year and a half to two years, quite a little while.
Q Then you knew her three or four years? A Well I would say three years any way.
MR. BROWN: How old did you say you were? A I will be 45 now in a short time.
Q What year were you born? A I was born in '57.
Q About how old were you when you first became acquainted with Dean there, how old? A I was born, I moved there in '65, and '67 and '8 and '9 when I first got acquainted with them; '67 I got acquainted with Will Dean and Rachel, and I believe the spring of '68 Levi Wilson and Henry Wilson.
Q How old were you then? A Figure it up and see yourself; '57 to '68.
Q How old were you?
COMMISSION: Answer his question if you can.
A How that would have been ten years.
MR. BROWN: Do you remember every colored person you met when you was ten or eleven years old? A No, not every one.
Q Why do you remember the exact year that you met Henry Wilson?
A Now I was well acquainted with him as one of my brothers.
Q He was one of your brothers? A No, sir, I said I was as well acquainted with him as one of my brothers.
Q Why do you remember the first year in which you met him? A Because I know I met him, he came there the second year after I came.
Q You are positive about that? A Yes, sir.
Q Where were you living in 1866? A '66 I was living in Ottawa.
Q Well in that where you was living in '67? A I was living on the same spot of ground.
Q How far was it from the place you was living in '66? A I was living on the same spot of ground for fifteen or twenty years. Henry Wilson was in that neighborhood.
Q In '66? A Was in '67.
Q Didn't you just testify he was there in '66? A In '66, '7 and '8.
Q What year did he come there? A In '67.
Q Didn't you just swear he came in '66? A I don't recollect as I did; don't think I did; '67 or '8 I meant to say.
Q Where was he in '66? A I don't know.
Q Wasn't in that neighborhood was he? A Not that I know of.
Q How many children did you say they had? A Who you talking about.
Q I am talking about Henry Wilson? A Henry Wilson didn't have no children only what he learned with his wife.
Q How many did his wife have? A Two had two.
Q What were their names? A One was John Wilson and Anna; Anna Wilson lives out in Ottawa now that is, she's married; lives there now; John Wilson is here here at Fort Gibson if you want to know where he is.
Q Yes, I don't care about that. Well how many children did Willie Wilson have? A Willie Wilson, I just know one.
Q What was her name? A I don't know the girl's name.
Q Was it a girl? A It was a boy I think; it was small when they came there.
Q Well did you know, I mean one of John Wilson's in this country, are acquainted? A I think there is one that was here, but the one that was there, but I don't remember particularly to talk to them.
Q Did you know John Wilson? A Well was position I didn't.
Q Didn't anybody ever call on you? A Well I may I don't.
Q You have been before this examining board or tribunal before, have you? A Been before.

Q You was down to Vinita last fall? A Yes, sir, I was.
Q And you knew as much about the Wilson family as you know now? A Just exactly the same.
Q And never testified at all in the case? A Not against those I haven't.
Q When were you first called upon to recollect when it was that you met this Wilson family? A Why I never was called on before until now.
Q Then it's never been brought to your attention for thirty-five years? A Not to the best of my knowledge, no, sir.
Q And you remember the exact year that you met this family? A Yes, sir.
Q What year did you say they left there? A I don't know just exactly the year they left there.
Q Will you remember that year they came there? A Yes, sir.
Q What year was it they left there? A I don't know anything about that.
Q About what time? A I couldn't tell you, five or six years.
Q Didn't you say a while ago they left there - A I was up there to see a while about twenty-three years ago, and saw the whole outfit of them, and we got a team at the livery stable, and Henry went with me.
Q When was that? A That was 23 years ago.
Q What year was that? A I told you 23 years ago.
Q Well do you know what year that was? A Well just figure it up and see.
Q Well you answer the question if you can? A Well that would be 1881, wouldn't it?
MR. MARTINDALE: Well just answer it that way.

CONTINUED: This testimony will be filed with and made a part of the record in the following freedman cases: Henry Wilson, D-783, Edward Wilson, D-800, Frances Wilson, D-801, and in the case of John Wilson, D-780, the latter being the case at bar. It appears that the records of the examination that all of these applicants are represented by Lewis V. Brown.

Lewis C. Gardner, being first duly sworn, states that his statements prior to the examination in the case of William Wilson, D-[illegible] were in all the testimony that appears in the above case, and that he wrote it at a time and was better informed of his statements which he made.

[illegible]

Subscribed and sworn to before me this 26th day of May, 1906.

[illegible]
Clerk of Court.

C.F.D. 790.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 30th, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of John Wilson et al., as Cherokee Freedmen.

Appearances:
W. W. Hastings, for Cherokee Nation.

JOHN WILSON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A John Wilson.
Q How old are you? A 30.
Q What is your postoffice? A Coffeyville.
Q In what State or Nation do you live? A In the Cherokee Nation
Q Do you know Jesse Wilson, who is an applicant for enrollment as a Cherokee freedman? A Yes sir.
Q Is he any relation to you? A Yes sir.
Q What relation? A He is a brother of mine.
Q Do you know whether your brother, Jesse, ever drew any money in the Cherokee Nation? A I don't believe he did, I don't think he did. I wouldn't be sure seems to me like he did.
Q Do you know whether he is on any of the Cherokee tribal rolls?
A He is on the Wallace Roll I think.
Q Do you remember yourself when the Wallace Roll was taken?
A No sir.
Q Do you remember where you were living at the time the Wallace Roll was made? A Yes sir.
Q Where were you living? A Right where we are living now, Timbered Hill.
Q In what district is that? A Coweescoowee.
Q Was Jesse living with you at that time? A Yes sir.
Q Were you all living with your father? A Yes sir.
Q Was your mother living or dead at that time? A She was living then.
Q You don't know whether Jesse is on the Kern-Clifton roll do you?
A No sir, I don't know whether he is or not, I don't think tho' that he is.
Q Have you lived right in the same district all your life?
A As much as I could remember, yes sir.
Q Was Jesse been living with you or with his father?
A Living with his father.
Q Was he been living in Coweescoowee district? A Yes sir.
Q All his life, as far as you know? A Yes sir.
Q Did Jesse ever go by any other name? A No sir. It seems like too that he was enrolled by another name. Let's see, what was it? It seems like he was enrolled by Joseph, but I wouldn't be sure.
Q On what roll? A On the Wallace roll. I wouldn't be sure that he was.
Q Do you know roll of any other family name except Wilson?
A Except Wilson, that's all.

MR. HASTINGS: How old is Jesse? A He is about 19.
Q How much money did he draw, if any?
A If he drawed? If he drawed, he drawed $15.50, I think it was.
Q You don't know about that? A I am not positive that he drawed.

This case will be continued until Saturday, October 31,1903

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 31st day of October, 1903.

Edward Meacie
Notary Public.

Cher. Fr. D-790.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 19, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOHN WILSON, ET AL., as Cherokee Freedmen.

Appearances:
Applicant appears in person.

The Attorney for Cherokee Nation was notified by mail on November 3, 1903, that a hearing in this case would be had at the office of Commission at Muskogee, Indian Territory, on November 18, 1903, and that at said time and place he would be given an opportunityto introduce such testimony as he might desire to rebut that offered by the applicant.

The applicant was not present upon that date, but now appears. The attorney for the Cherokee Nation not present. on this date.

JOHN REESE, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: State your name? A John Reese.
Q How old are you? A About sixty years old.
Q What is your post office address? A Coffeyville, Kansas.
Q Where do you live? A In Cooweescoowee District, at Timbered Hills, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation?
A I was born in the Cherokee Nation.
Q Have you lived there all your life? A Lived there all my life in the Cherokee Nation. Sometimes I was out, but that is my native country, in the Cherokee Nation.
Q Are you a Cherokee freedman? A I am a Cherokee freedman.
Q Is your name on the 1880 roll? A No sir, I don't think itmis.
Q Do you know John Wilson, the applicant here? A Slightly.
Q Who was his father? A Eli Wilson.
Q Was Eli Wilson a non-citizen or freedman?
A He was a state man.
Q Mole a non citizen? A Yessir, I guessthat is what you call a non citizen.
Q Who was John Wilson's mother? A Her name was Millie. Hands she used to go by when she was a young woman, when I first know her.
Q Is she livingor dead? A She is dead
Q When did she die? A She died some time after the census taken at Lightning Creek. It has been, well now, it is about five or six years.
Q Was Millie Wilson a slave of a Cherokee citizen at the commencement of the rebellion? A Yes sir.
Q Who did she belong to? A Belonged to some of the Lowrens, I was always learnt.
Q Did you know Millie Wilson before the commencement of the war?
A I knowed her after the war? Before the commencement of the war I never met her. I could hear of the Lowrens, but never met them. After the war ceased I met Millie, I met her when she was single, before she was ever married.
Q She didn't marry Eli Wilson, then, until after the war?
A No sir, I met with her when she was along about seventeen years old.
Q When did you first meet her after the war? A I met her up here at Fourteen Mile Creek.

Q How long after the war was that? A That was in the year of '66, I was then at Fort Gibson.
Q Do you remember when the treaty was passed between the United States and the Cherokee Nation, the treaty giving the Cherokee freedmen rights in the Cherokee Nation? A Yes sir, I rememberthat.
Q How long was it after the time you met Millie Wilson?
A I was living down here at Fort Gibson in the spring of '66, and I met up with Millie on Fourteen Mile Creek. She was single then, had no husband at all.
Q In what nation is Fourteen Mile Creek where youm et her?
A It is in the Cherokee Nation, lies between Tahlequah and Grand River.
Q What time of the year did you meet her in '66?
A It was -- when I first met her it was kind of early in the spring. I met her up there on Fourteen Mile Creek. Then along later on I moved from Fort Gibson here then, and moved up on Pryor Creek, and lived with a Cherokee Indian which we call William Sunday. I knew him in the same regiment. We had Lewis Downing for our lieutenant colonel under Colonel Phillips. I was right in the Third Indian Regiment. Major Foreman was our major.
Q Where was Millie Wilson when you saw her at that time? With whom was she living? A She was stopping with some people that they called Buffingtons.
Q Which Buffington was that? A If I am not mistaken, the old gentleman was named Harry Buffington.
Q That was in the springof '66? A That was in the spring of '66.
Q How long did she live there at that time? A I don't know just how longshe did live around there, because I didn't live up in there at all, I was up in there and met her up in there.
Q When did you next see her after that time? A After that time she came up on Pryor Creek where my mother and sister and stepfather was all living with Bill Sunday, on the old Alberty place on Pryor Creek.
Q Is that in the Cherokee Nation? A Yes sir, In the Cherokee Nation
Q Did you see her there? A I seen her there, because I was going with her some then.
Q When did you see her then? A It was in '66, when was drying corn in the fall. The corn was dry enough to cure and put up.
Q Where were you living at that time? A I was living right on Pryor Creek, on the old Alberty place; living with a Cherokeen Indian by the name of William Sunday. Some of us called him Bill Sunday.
Q At the time you met Millie Wilson in '66, the first time, what colored people were living around there in that neighborhood?
A What colored people were living around there?
Q Yes. A I don't remember. I am satisfied that old uncle Harry Buffington was on Fourteen Mile Creek. I didn't live up in that part of the country at all. I met her, got acquainted with Millie all right. She was a pretty, neighborly looking girl. I stopped at Pryor Creek a while, all living on the old John Alberty place.
Q Do you remember about when Millie Lowdrum married?
A No, I don't know nothing about when she married. I remember after she was married, I met up with her again. She was married then and had, I know she spoke of her two children, the first children being girls. She says, John I am married now and got so many children.
Q How many children did she have to the best of your knowledge?
A Right.
Q Name all those you can. That is the oldest one?
A The oldest one is a girl, named Florence, the next oldest one is named Emma; and the next oldest one is John Wilson; then the next oldest one is George Wilson, then the next oldest one is Ed Wilson;

then t he next oldest oneis Frances; then the next oldest oneis Annie, and the bab y boy is named Jess. The first child she ever birthed, she is living now, and h rname is Florence.
Q What is Florence's name now? A Her name is Florence Miller. Some calls her - her husband calls himself Landrum, butmwe all call him Miller, because the old mistress was Miller. I don't know how he give his name on the roll.

Q Is herhusband known by the name of Nicholas Landrum? A yes sir.
Q Florence is his wife? A Yes sir, and this Millie's first child. I knew Millie before she ever married, I out around her a good deal myself.
Q Do you know where Millie Landrum, now Millie Wilson, has lived since you saw her in '66? A Not all the time.
Q Where was she living all the time you saw her, what nation?
A She was in the Cherokee Nation when I first seen her and taken a likin to her; she was up on Lightning Creek, and I was pretty keen to out around.
Q To your knowledge, did she ever live out of the Cherokee Nation?
A If she did I didn't know it.
Q Have you seen her frequently since '66? A Not right along all the time, but I have seen heroff and on. After I moved on Pryor Creek I heard of her but didn't meet her for quite a little while; then when I met up with her she was living up here in the Cherokee Nation on Timbered Hills, married. She told me about having these children, the first children was girls.
Q Was she ev r married more than once? A Just once, never was married but once; because after she was married I made her a present of a dress pattern.
Q Do you know where this applicant was born? A No sir - born on the Hills, there is where she was living - had to be born there.
Q Have you seen him often since he was born?
A Yes sir, I would meet him enough to know him to be the same Wilson
Q Do you remember the time the Wallace roll was made? A Yes sir.
Q Do you remember about how many years ago that was?
A No, I don't, I couldn't tell you the number of years, because I can't read a bit, and all I know is just natural mother wit.
Q Where was Millie Wilson living at the time the Wallace roll was made? A Timbered Hills.
Q What district? A Cooweescoowee District.
Q Was this applicant John Wilson living with her at that time ?
A yessir, and all the rest of her children.
Q Do you know where John Wilson was living when the Kern-Clifton roll was made? A Yes sir.
Q Where was he living, what district?
A Living in Cooweescoowee District, on Timbered Hills.
Q Same district? A Yes sir, in Cooweescoowee District.
Q Are you acquainted with John Wilson's children?
A No. I know them when I see them, but I don't know their names, never paid much attention to them. I guess the oldest one isn't over three or four years old; not any over that.
Q Do you know Jesse Wilson? A yes sir, I know Jesse good.
Q What relation is Jesse to John?
A That is John's youngest brother. He is the baby boy, and Annie is the baby girl, but Annie is older than Jess. Then is Millie's two last children.
Q Who does Jesse live with now? A I suppose there with his father. He labors out for himself, but his home is with Bill Wilson.
Q Where is that? A That is up the east part of the Cherokee Nation
Q In what district? A I don't know, Cooweescoowee.
Q Has Jesse lived in that same district all his life? A Except when he is out to work he is home. That is the old home place where his mother birthed him.

Q Has Jesse ever lived outside the Cherokee Nation?
A Jesse never did any here. Jesse aint over seventeen years old, or eighteen at the outside. I don't just know his age to a year, but he aint any older than that.
Q He hasnever lived in any other district in the Cherokee Nation ~~except Cooweescoowee? A He may have been in some other district~~ to reside, but never outside of his own native country.
Q Do you know what district he was livingin when the Wallace roll was made? A Yes sir.
Q Where? A In Cooweescoowee District, in the Timbered Hills.
Q What district was he in when the Kern-Clifton roll was made?
A Cooweescoowee, in the Timbered Hills.
Q Where was he livingin 1893? A In Cooweescoowee in the Timbered Hills.
Q Did Jesse ever go by any other name except Jesse Wilson?
A No sir, aint got no other name except Jesse Wilson. If he did he kept it a secret from me. Never did hear him called any other name except Jesse Wilson. Some of them calls him Jess. He aint got no other name, no Tom, or David, or no other way. It has been Jess Wilson ever since his mother called him Jess. Ed is dead, and Mame is dead.
Q Those are two brothers and sisters of Jesse and John?
A Yessir, they are all brothers and sisters.
Q This Florence, that is named Florence Landrum, where was she born?
A She was born out west.
Q In what district and what nation?
A In Cooweescoowee District.
Q Cherokee Nation? A Yes sir.
Q Where has she lived since her birth?
A Lived out on the Timbered Hillsuntil she married Nick Miller.
Q That Miller you name is the same person you named as Nicholas Landrum? A Yes sir.
Q What is his other name? A Nick Miller, that's what we always call him. Call her Mrs. Miller, but that is the same Nick.
Q Did Florence ever live outside the Cherokee Nation, Florence Landrum? A Not as I know of.
Q Have you seen her frequently since her birth? A Off and on. Often enough to know she is the same Florence Wilson, Millie's daughter.
Q About how often would youseee her? A Sometimes I wouldn't see her for probably two or three years, but when I see her I know it is the same Wilson stock of children.
Q When did you see her last? A The last I saw her, it has been about four years.
Q Where was she living then?
A She is livingon Snow Creek, close to the Verdigris.
Q In what district? A Cooweescoowee District. She was livingon mother's old place in Cooweescoowee District.
Q Was Florence Landrum ever lived outside the Cherokee Nation?
A If she did she had to go and live there awhile and come back. I neverdid hear of it. I never did hear of Florence living outside the Cherokee Nation.
Q To the best of your knowledge she has lived in the Cherokee Nation all her life? A She has. She never went except to Coffeyville to work, and back home. She lived ten miles from town.
Q Where is Bill Wilson living now?
A Bill now is working somewhere on the line of the Osage.
Q Where has he made his home? A Bill has made his home there he left his wife, most of the time, except when he is off hunting labor to make his living.

Q Has he lived in the Cherokee Nation for the last twenty years?
A Lived in the nation ever since - longer than that, because I know when I met Millie it hasbeen over twenty years. She had Florence and Mame then, herfirst two children, and I know I went with her before she was married.
Q How long has Eli lived in the Cherokee Nation?
A He must have lived in there anyhow - let's see.
Q Do you remember when the 1880 roll was made? Has Eli lived in the Cherokee Nation since that roll was made?
A How many years ago is that date?
Q Twenty-three years ago? A Hewas in here before that sure, becaus Millie had Florence and Mame before that, and he had to live there in order to be with his wife.
Q Has he lived in the Cherokee Nation ever since that time?
A Yes sir, he has lived in there in the Cherokee Nation until here just a short time ago, after his wife died. She died since the census taken at Lightning.
Q Where did he go then after that? A He come down on the Verdigris River and worked for Maria Prince after his wife died.
Q Was that in the CherokeeNation? A Yes sir.
Q Has he ever lived outside the Cherokee Nation since his wife's death? A I don't know, I didn't keep track of him that ollse. I know his children is all on the place.
Q He didn't take the children with him?
A No sir, they stayed at home and worked the old place.
Q The children, then, of Eli Wilson and Millie Wilson have always lived in the Cherokee Nation? A Yes sir, these children always lived in Cooweescoowee District, and that's in the Cherokee Nation.

BEN GRIMMETT, being first duly sworn, testified as follows on behalfof applicants:

BY COMMISSION: What is your name? A Ben Grimmett.
Q How old are you? A I can't tell my age, about seventy I guess, maybe older than that.
Q What is your post office address? A Nowata.
Q Indian Territory A Yes sir.
Q What district do you live in? A It is in Cooweescoowee, I guess, big district there.
Q How long have you livedthere? A I have been living there, I guess, about twenty years, but my natural home is on Big Creek.
Q In what district? A Same district on Big Creek, about twelve miles from there. I live in town now.
Q Do you know this applicant, John Wilson?
A Yes sir, I knowed his mother.
Q What was his mother's name? A Willie Landrum
Q When did you get acquainted with her, before the war or after the war? A Well, after the war.
Q How long after the war did you meet her, did you get acquainted with her? A I was living at Bryan Creek before I got acquainted with her, she was a young woman, I guess, and that was about '66.
Q About how long another after peace was made? A I couldn't tell you that, I just took it from talk, when I was livingthere, why the Cherokees told me I was inside the State, in '66.
Q Do you remember about the treaty was made between the United States and the Cherokee Nation? A No sir, I don't.
Q Do you remember hearing it talked of that there was a treaty made?
A Yes sir.
Q Did you get acquainted with Millie Landrum before or after that time? A Yes sir, I got acquainted with her.

Q Was that before or after the time you heard that the treaty had been made? A Yes sir, it was in '66 when I seen her.
Q Was it before that time that the treaty had been made, or was it after? A I couldn't tell you that.
Q Do you know when the Wallace roll was made' A yes sir.
Q What year was that? A I couldn't tell you that. I can't read. I am one of those old black fellows, and can't read at all.
Q Do you know what year this is? A No sir, I don't know that either.
Q How do you know it was '66 when you got acquainted with Millie Wilson? A The reason I know, the people always did say it was '66 when I moved in there, and them that was living there and was tending to that business, they told me.
Q Who did you come back with? Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Who did you come back with? A Came back by myself with my family
Q Who was living here? Who did you find living here when you came back? A Bill Sunday.
Q Was he a Cherokeeor a colored man? A He was a Cherokee.
Q What colored people were living here when you came back after the war? A Aunt Sarah Ross, and Henry Melton, he was living mostly in the neighborhood there.
Q Who else, what other colored people were living there?
A Old Aunt Dinah Nave.
Q Were they all livingin the neighborhood to which you came after the war? A Yes sir.
Q What district was that? A I couldn't tell you, same district, I guess.
Q Where were all these people living? A Living all through there, from Blue Alberty's there on Pryor Creek.
Q Is that near where the town of Pryor Creek is now?
A There wasn't any town, but they was all living through and through, Indians and all. Never had any town there, and no railroad.
Q Pryor Creek is a long creek? A yes sir.
Q What part of Pryor Creek were you living, near what town?
A There wasn't a town there. What we always know, it used to be right close by Bryant's ranch, where he used to have a ranch, right where we was mostly settled all through there.
Q Where did you first see Millie Landrum?
A I seen her there at Sarah Ross'.
Q Where was that, what district?
A John Alberty's old place.
Q Who was Millie Landrum living with at that time?
A I will tell you the fact, when I seen her this man Ross had her there.
Q What family was Millie living with? A Living with Bill Sunday, his mother was living there.
Q Whose mother? A Aunt Sarah Ross was living to Bill Sunday's
Q Was Millie [illegible] Wilson living with Bill Sunday, staying with Bill Sunday's family? A Stayed with him and with her mother, Ross. They was all living there. His mother lived there
Q Who do you mean by him, who is him? A She used to go with him.
Q Who? A John Ross. She didn't have any children then, before he used to go with her. He was living right there with his mother
Q What time of the year was that when you first saw Millie Landrum?
A That's what I couldn't tell you. All I know, when I got there it was '66.
Q Could you tell whether it was spring, summer, fall or winter?
A It must have been in the spring of '66, but I couldn't swear that. I couldn't say.
Q You don't remember what season of the year it was?
A No sir, I don't. All I know I was there in '66 living there.

Q When did you next see her after that time? A Well, I never seen her until when I moved on Big Creek. We used to have big gatherings there. There is where I seen her.

~~Q How long was that after you saw her the first time?~~

A It was a long time.

Q Several years? A Yes sir, a good many. She had two children then, she told me. I used to go there and set the table at those gatherings , and she came ri ht there and stayed there and talked with me.

Q Did you see Millie Landrum there more than once in '66?

A Yes sir, I seen her when she was staying there, but after, when I moved off over there, I never seen her at all for several years.

Q How long did she stay at Bill Sunday's in '66?

A I couldn't tell you that. I didn't live there. I used to go over there to see old uncle Charles and Aunt Bettie. Must have livedthere some time, I guess.

Did you see her more than once in that same yea when you first saw her? A Yes sir, I used to see her along there, living there.

Q Did she sty right there with Bill Sunday?

A yes sir, stayed there with his mother. His mother and them was all living together.

Q She stayed there with John Reese's mother? A Yes sir.

Q Who is his mother? A Sarah Ross.

Q Do you know Florence Landrum? A No response.

Q Did Millie Wilson ever have a child by the name of Florence?

A I have seen her daughter, but I don't know the children. I have seen them.

Q You don't know Millie Wilson's children? A Yes sir, she had children.

Q You don't know the names of Millie Wilson's children?

A No sir, I don't.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 26th day of December, 1908

Charles J. Davis
Notary Public

Cherokee Freedmen 2012

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Fell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdigris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Cooweescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the the Verdigris River? A Yes, sir.
Q And about eight miles from where you live? A No, it lacks that far, the outer flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdigris River? A Northwest.
Q Does Bear Creek empty in the Verdigris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.

Q Were you a slave before the war? A Yes, sir.

Q Where did you live? A I lived in Geingsnake.

Q Are you a brother of Louis Whitmire? A Yes, sir.

Q Are you a brother of Mose Whitmire? A Yes, sir.

Q You know them of course before the war? A Yes, sir before the war.

Q Did you know them and were with them during the war? A Yes sir

Q Where did you go during the war? A I went to Fort Scott, Kansas.

Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.

Q Did your other brothers also work in the army? A They drove teams.

Q Did you know old Sam and young Sam Webber before the war?

A I knew the old man before the war.

Q When did you get acquainted with young Sam? A In time of the war.

Q In the state of Kansas? A Yes, sir.

Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.

Q Did you know them during the war? A Yes, sir.

Q Where? A Fort Scott, Kansas.

Q Well at the time the war closed where were you and all of those other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.

Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.

Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.

Q In August, 1866? A Yes, sir.

Q Well now who came along with you in August, 1866? A Well the old man Sanders.

Q What was Sander's name? A Mike Sanders.

Q Was he the father of Ruben and Dan? A Yes, sir.

Q Who else came with you? A Old man Webber, old man Sam Webber, old man Willie Foreman, Peter Weigs, Mose Whitmire, Saleem Whitmire, Louis Whitmire and Dennis Whitmire.

Q Where did you go? A We came to Big Creek.

Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just remember, I don't know how long, some two or three weeks.

Q Did any women or children come with you at all on that first trip. A No, sir.

Q Where did you go down Verdigris and enter the Territory, at what point? A We came right to Oswego and out to where Chanute is now and turned east and went to Big Creek.

Q And then came down Big Creek? A Yes, sir.

Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't many one for a mile on Big Creek.

Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdegris river at that time?
A Yes there was somebody living along the river, along the Verdegris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdegris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks?
A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ransom Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down,
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What did you cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you came to those same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I came to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Gallegrenno.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Gallegrenno did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas then, I don't just remember just when.
Q Do you remember of the disturbances of Four Mounds below Gibson? A Yes, sir.
Q Did you know Sheppard? A Yes, sir.

Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him?
A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Moss, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you came before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Fayworth and there being considerable excitment when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any organized people living in that part of the country? A None that I know of.
Q Were there any on the Verdigris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I travelled a good deal through the country.
Q Where did you do your trading when you first came from Savage?
A At Old Parker some.
Q Now in order to go to Savage you had to go from your place north from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q And before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew him before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the south fork of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A Yes, sir.
Q Well now how long after that that he died around down in the Cherokee Nation? A He must have been murdered in '68, shortly after remembering seeing him.
Q And you know he wasn't there when you first moved? A No, sir. He wasn't there.
Q He died down there? A Yes, sir. I was down there.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he marry some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children some on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire the were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Eliza Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Walker never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he came in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was going in December or not.
Q Don you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Walkers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You know them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Jerr Bagford, that you his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.

Q You stated that you knew Eli Mankey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Geingsnake.
Q As I understand you you went to Geingsnake by the way of Fahlerah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Q You gave all the names of those you can remember in response to Mr. Keating's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire?
A Came to make homes.
Q You came down to build some homes? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A In wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q And you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and select some homes before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this party are you? A No women that I remember and no children.
Q If you would have remembered it, wouldn't you? A Yes, I think so.
Q You was a pretty wild country here at that time? A It was a pretty wild country, sir.
Q And you made your trip in December the second time for what purpose did you come? A We came down to work on our homes.
Q Did your family at Fort Scott on your second trip?
A No, sir.
Q Did you come to that second time you came down in '66?
A No, sir.

Q. Those were about? A. Yes.
Q. How did you make the second trip? A. In wagons.
Q. At that time, in the fall of '66, did you have some brothers and sisters? A. Yes, sir.
Q. All of your brothers came with you in the fall of '66?
A. Yes, Louis, Dennis and Nelson.
Q. Did you have some sisters living at that time? A. Yes, sir.
Q. What were their names? A. The eldest was Mariah, Polly Ann, Mary Ellen.
Q. Where did you leave them on your first and second trips to the Cherokee Nation? A. I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q. Did your sister, Polly Ann, come with you when you came in the spring of '67? A. No, she came with her brother Dennis.
Q. How long after you came until Polly Ann came with Dennis,
A. About two or three weeks as near as I can recollect.
Q. That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, as far as you know? A. Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q. And she didn't come with Dennis in the fall of '66? A. No she didn't come with Dennis when he came before.
Q. She stayed with his family in the town of Fort Scott, Kansas.
A. Yes, sir.
Q. And little Sam Webster married when he came down here with his father in '66? A. Yes, sir.
Q. Where was his wife? A. She was in Kansas.
Q. Was there any women come with Little Sam Webster when he came on either of these trips in '66? A. No, sir.
Q. Well Mr. Whitmire, if any women claim to have come down here in August or December, that with this exception of which you were a member, she is mistaken? A. Yes, sir, she is mistaken.
Q. You say positive that there were no women or children on either of these trips? A. Yes, sir.
Q. You were a grown man that remember? A. Yes, sir.
Q. And you are an intelligent fellow the world considers, wasn't you, Mr. Whitmire? A. Yes, sir.
Q. Did you remember that did come to Oklahoma here with you on either of those trips? A. No, sir, not me.
Q. You have been acquainted with all these [illegible]
[illegible]
A. [illegible]

[illegible]

[illegible]

[illegible]

and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We came down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, got then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q Then in August, '66? A Yes, sir, after that.
Q There-were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started on the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then there was in that this crowd that came in August of '66 built those houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your brother there you built some houses in '66?
A Yes, sir.
Q Did you didn't spend any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A The [illegible] built one, old man Potter and old man Ellis Dockers and old man Ellis.
Q Did you have to get logs down and have those logs cut? A We got the logs down and hewed them out.
Q When did you cover those houses with? A Boards.

Q Where did you get the lumber? A It wasn't lumber boards, it was split boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During these weeks you built several houses? A Yes sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December? A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.
Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we came along the bottom.
Q Now Mr. Whitmire, in August when you folks came down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A [illegible] in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A [illegible] and some mules.
Q But now what was your object in traveling in that high grass and big bottoms, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a [illegible] you wouldn't get out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Was there any other Cherokee of Freedmen that came out from Fort Scott or Kansas that, before you came to December? A Why, I don't know that.
Q You don't know? A No, sir.

Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q That time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you came the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the element that I knew and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you came down some two weeks before the Sanders moved there. A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. [illegible]
Q Now Mr. [illegible] when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't ramble around over the country like you did in August? A No, sir.
Q Did you know of anybody who lived in the [illegible] country or in the Big Creek country, except in that [illegible] neighborhood where you went? A I didn't know for certain.
Q How then you came on this trip to Goingsnake, how did you go? A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q And he returned with you in December? A Yes, sir.

BY MR. RAFFERTY:
Q Did you know that there was nobody living on Bear Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the Fletch trading post on Tanana and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did return during been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. [illegible]:
Q When you came down in December did you stay down in the bottom close to Big Creek? A Yes, sir right in the bottoms.

BY MR. RAFFERTY:
Q You had been hunting a good deal of the time at that [illegible] you? A Yes we all we had to eat.
Q [illegible] made you go round in those bottoms in search of game?
A [illegible], sir.

[illegible] being first duly sworn testifies as follows:

BY MR. RAFFERTY:
Q What is your name? A James W. Hare.
Q What is your age? A 48.
Q Are you a Canadian citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Canadian Yukon.
Q When did you return to the Alaskan Yukon? A I came to the Canadian Yukon in June, 1947.
Q Have you ever been connected in which [illegible] [illegible] of that part of Canada known as the Pine Creek [illegible] Yukon country? A In the winter of 1947 [illegible] [illegible] Indian Territory [illegible] [illegible] [illegible]

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q Now did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Been for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A Yes, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you know he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd. It was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lived?
A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Two good miles to the east.
Q And that is the reason why you didn't see their settlement?
A Yes, sir.

Q Did you follow Big Creek? A [illegible] distance.
Q Big Creek flows [illegible] Vertigris [illegible]? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big [illegible] you went up the Vertigris river?
A Yes, sir.
Q But when you [illegible] Vertigris [illegible] you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BURKER:
Q When was this Mr. Hays that you made this trip in April or May?
A In April or May of 1868.
Q Where did you strike the Vertigris river when you started?
A I went near [illegible] and went from there to Coodys Bluff the first day.
Q On the east side of the river? A The Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the [illegible] River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Vertigris at that time.
Q About the same as now? A Yes, sir.
Q How far out from [illegible] did you stay when you went across the country for that country? A [illegible] years, I don't think it was [illegible] on the east side of Snow Creek.
Q Is there any timber on that [illegible]? A Yes, sir, there is a little timber along there.
Q You didn't go [illegible] side of Snow Creek until after you had crossed that [illegible] A We followed up on the east side and [illegible] side and went to the head of cattle.
Q How far [illegible] did you go north you crossed? A Well I couldn't say, a mile and a half or such [illegible].
Q Do you have [illegible] living down on the [illegible] where Big Creek [illegible] the [illegible]? A I did on [illegible] of my [illegible] I paid pretty close attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I didn't see any [illegible].
Q How far east did you continue to go up Snow Creek? A Well I went far east [illegible] the river until near the north of the creek and [illegible] about a mile and a [illegible].
Q Never did go any farther? A We crossed there to the bank [illegible] the creek and [illegible] at that point.
Q The cattle were on the northeast part of the property? A Yes, sir.

about how far? A One half mile or somewhere along there. Q When you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

-----oOo-----

The Commission notes that the testimony taken of Aaron Whitsitt and James M. Keys on this date be made a part of the record in the cases of Frank Love, F. D. 879; Sarah Robinson, F. D. 474; Lurkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

-----oOo-----

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(Signed) Charles F. Barrer.
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the five civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 11 day of January, 1906.

Charles H. Lawton
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A.F:Mc.
D.C.L.

In the matter of the application for the enrollment of John Wilson, et al., as Cherokee Freedmen, consolidating the applications of:

John Wilson, etal.,	Cherokee Freedmen D 790,
George Wilson,	Cherokee Freedmen D 793,
Edward Wilson,	Cherokee Freedmen D 800,
Frances Wilson,	Cherokee Freedmen D 801,
Nicholas Landrum, et al.,	Cherokee Freedmen D1008,
Robert C. Duncan, et al.,	Cherokee Freedmen D 871,
Elizabeth Tinnon, et al.,	Cherokee Freedman D 892,
Emma Williams, et al.,	Cherokee Freedmen D 893.

-:-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Clellie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan, by Elizabeth Tinnon for herself and minor child, Mary Tinnon, and by Emma Williams for herself and minor child, Lee E. Williams. As the application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage, has been heretofore disposed of, she will not be embraced in this decision. A copy of the testimony of Aaron Whitmire taken at Muskogee, Indian Territory, December 23, 1904, in the case of Charlotte French, Cherokee Freedman D 1012, is filed herewith and made a part of the record herein.

The evidence in this case shows that the applicants, John, Annie, Jesse, George, Edward and Frances Wilson, and Florence Landrum, are the children of one Willie Wilson, deceased, that the said Willie Wilson, deceased, was the slave of a Cherokee citizen at the commencement of the Rebellion, that she was taken from the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 5, 1906, in the case of Rhoda Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of the said Millie Wilson. The minor applicant Amelia Wilson is a child of the applicant, John Wilson, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said father.

The evidence shows that the applicant, Nicholas Landrum was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Bessie E., Clellie, Ora, Viola and Lela May Landrum, are children of the applicants, Nicholas and Florence Landrum, and possess no rights to enrollment other than as descendants of their said parents.

The evidence further shows that the applicants, Robert C., Harry A., Joel (Jewell) C. and Benjamin F. Duncan, Elizabeth Tinnon and Emma Williams, are children of one Joseph Duncan, deceased; that the said Joseph Duncan was the slave of a Cherokee citizen at the commencement of the rebellion, that he was taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the said Whitmire decree. Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of their said father. The minor applicant, Lee E. Williams, is the child of the applicant, Emma Williams, was born since 1896, and possesses no rights to enrollment other than as a descendant of his said mother. The minor applicant, Mary Tinnon, is the child of the applicant, Elizabeth Tinnon and one Willie Tinnon, deceased, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said parents.

The said Willie Tinnon, deceased, cannot be identified on any Cherokee roll in the possession of the Commission, and after ample opportunity having been afforded, it is not established that the said Willie Tinnon, deceased, possessed any rights as a Cherokee freedman. It is therefore, considered by this Commission that the adjudication of the right of Mary Tinnon to enrollment as a Cherokee freedman through her said father, Willie Tinnon, deceased, comes within the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 3642-04), Eli Williams (I.T.D. 4230-04), William Rector, (I.T.D. 1448-04), Winnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2294-04), Martha Albert, et al., (I.T.D. 4732-04), and Moses Ross, (I.T.D. 6056-04). In addition, attention is called to the fact that the records of the Commission show that only two applications have been filed for the enrollment of applicants by the name of Tinnon, and that said named applicants live in the vicinity in which the said Willie Tinnon, deceased, resided, were listed for enrollment as Cherokee freedmen cards [illegible] and [illegible], respectively, were denied enrollment by this Commission and its decision approved by the Department October 22, 1904.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In re testimony of Sam Webber: The said Sam Webber is the only witness that testifies that Joseph Duncan returned to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree. Little credit can be given his testimony, however, as, on June 26, 1901, in the application of Elizabeth Duncan, et al., for enrollment as Cherokee freedmen, case No. D 871, to the question "Did anyone come with him (Joseph Duncan)?" he answered, " Sim Mosely came with him." On June 27, 1901, in the application of Elizabeth Tinnon, et al., for enrollment as Cherokee freedmen, case No. D 892, to the question "He (Joseph Duncan) did not bring anybody with him?" he answered, "There was another man with him", and it is not until he is called, on July 1, 1901, as a witness in the application of Nicholas Landrum, et al., for enrollment as Cherokee Freedmen, case No. D 1008, that he testifies that the applicant, Nicholas Landrum, returned to the Cherokee Nation in the fall of '66, with his uncle, Joseph Duncan. The testimony of Aaron Whitmire, taken in the application of Charlotte French, Cherokee Freedman case No. D 1012, shows that Sam Webber was not residing in the Indian Territory between the month of August, 1866, and the spring of 1867.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Wilson, Annie Wilson, Jesse Wilson, Amelia Wilson, George Wilson, Edward Wilson, Frances Wilson, Nicholas Landrum, Florence Landrum, Bessie E. Landrum, Clellie Landrum, Ora Landrum, Viola Landrum, Lela May Landrum, Robert C. Duncan, Harry A. Duncan, Joel (Jewell) C. Duncan, Benjamin F. Duncan, Elizabeth Tinnon, Mary Tinnon, Emma Williams and Lee E. Williams, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

CONCURRED IN THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby.
Chairman.

(Signed) T. M. Needles.
Commissioner.

(Signed) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory.
OCT 16 1907

Note _____

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

a.7.ms.

In the matter of the application for the enrollment of John Wilson, et al., as Cherokee Freedmen, consolidating the applications of--

John Wilson, et al.,	Cherokee Freedmen D 790,
George Wilson,	Cherokee Freedmen D 799,
Edward Wilson,	Cherokee Freedmen D 800,
Frances Wilson,	Cherokee Freedmen D 801,
Nicholas Landrum, et al.,	Cherokee Freedmen D 1008,
Elizabeth Duncan, et al.,	Cherokee Freedmen D 871,
Elizabeth Tinnon, et al.,	Cherokee Freedmen D 892,
Emma Williams, et al.,	Cherokee Freedmen D 893,

--:--

O R D E R .

It is ordered that a copy of the testimony of Aaron Whitmire, taken at Muskogee, Indian Territory, on December 23, 1904, in an application of Charlotte French for enrollment as a Cherokee Freedman, case No. D 1018, be filed with, and made a part of the record in the consolidated case of John Wilson, et al., Cherokee Freedmen D 790, et al.

File-8

No. D 784

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

~~by delivering a true copy thereof on the~~

day of A. D. 1904

Given under my hand this

day of A. D. 1904.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1904

Attorney for applicant

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
NORTHERN DISTRICT }

I do solemnly swear that I delivered a true copy of the within notice to

on the A. D. 1904

Subscribed and sworn to before me this A. D. 1904

Notary Public

Proof of service

NOTICE!

IN THE MATTER OF the application of John Wilson for enrollment as a Cherokee citizen:

Case No. D 798

To John Wilson Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct/ 8th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 18th 1901.

L B Bell

M M Trapnell

Attorneys for the Cherokee Nation.

F. D. 790

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

.....

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190

Attorney for applicant

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT }

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

Proof of Service made and original filed with the [illegible].

OCT 28 1901

NOTICE!

IN THE MATTER OF the application of John Wilson,
for enrollment as Cherokee Freedmen:
Case No. F. D 790

To John Wilson,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on Oct. 28th, 1901, at 8 o.clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 28, 1901.

L B Bell

N. M. Hastings

J. Blair Carpenter

Attorneys for the Cherokee Nation.

F. D. 790

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

NOTICE!

IN THE MATTER OF the application of John Wilson for enrollment as Cherokee Freedmen:

Case No. FD 790

To John Wilson

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 24 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct 8, 1901

F B Bell

W. W. Hastings

T. D. Crowley

Attorneys for the Cherokee Nation.

DNA

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-790.

Muskogee, Indian Territory, October 8, 1903.

W. T. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Cherokee Freedmen D-790, John Wilson et al., which case was set for hearing at Vinita, on September 23, 1903, you are hereby advised that the principal applicant has this day been requested to appear before the Commission at its offices in Muskogee, on October 30, 1903, and introduce testimony to show whether his mother, Willie Wilson, returned to the Cherokee Nation within the time prescribed by the treaty of 1866, also evidence tending to identify Jerad Wilson as the Cherokee Willie.

Respectfully,

Chairman.

7789

COMMISSIONERS
TAMS BIXBY
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

ALLISON T AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-790.

Muskogee, Indian Territory, November 3, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the case of John Wilson, Cherokee Freedman D-790, which was set for further hearing on October 30, at the applicant's request has been continued until November 18, 1903, and the applicant has this day been advised to appear before the Commission at its offices in Muskogee, on that date and introduce the testimony heretofore requested.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.
WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-190, et al.

Muskogee, Indian Territory, April 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting the applications for the enrollment of John, Annie, Jesse, Amelia, George, Edward and Frances Wilson, Robert C. Harry A., Joel (Jewell) C. and Benjamin F. Duncan, Nicholas, Florence, Theodore E., Clellie, Ora, Viola and Lela Landrum, Elizabeth and Mary Thomas, Rena and Lee E. Williams as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enl. 6

(C O P Y)

G.R.
R.J.H.

D. C. 14702-1906

DEPARTMENT OF THE INTERIOR

I.T.D. 5426-1905
L R S

WASHINGTON
April 21, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 18, 1905, the Commission to the Five Civilized tribes transmitted the record of proceedings had in the consolidated applications for enrollment, as Cherokee freedmen, made by John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Clellie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan, by Elizabeth Tinnon for herself and minor child, Mary Tinnon; and by [illegible] Williams for herself and minor child, Lee E. Williams; including the decision of the Commission, dated April 18, 1905, adverse to all the applicants. The application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage was not embraced in the above decision.

May 11, 1906, the Acting Commissioner of Indian Affairs

reporting thereon, recommended that the decision of the Commission, adverse to all the applicants named therein, be affirmed. A copy of Indian Office letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, denying the applications for the enrollment, as Cherokee freedmen, of John Wilson, and the other named applicants therein, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant secretary

1 inclosure

(C O P Y)

LAND
51368-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 11, 1905

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Wilson for himself, his minor sister, Annie, his minor brother, Jesse, and his minor child, Amelia Wilson by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence, and his minor children, Bessie E., Gillie, Ora, Viola and Lola May Landrum; by Elizabeth Duncan for her minor children, Robert C., Harry A., Joel (Powell) S., and Benjamin F. Duncan; by Elizabeth Timson for herself and minor child, Mary Timson; and by [illegible] Williams for herself and her minor child, Lee R. Williams.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that John, Annie, Jesse, George, Edward and Frances Wilson and Florence Landrum are the children of one Billie Wilson, deceased; that Billie Wilson was the child of a Cherokee citizen at the beginning of the war of the rebellion;

that she was taken out of the Cherokee Nation during the war, and did not return to the Nation on or before February 11, 1867; that the applicants were born since 1866, and possess no rights to enrollment except as descendants of Millie Wilson; tat the minor applicant, Amelia Wilson is a child of the applicant, John Wilson, was born since 1896 and possesses no rights to enrollment except as a descendant of her father. It is further shown that Nicholas Landrum was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from said Nation during said war and did not return thereto on or before February 11, 1867. It is further shown that the applicants, Robert G., Harry A., Joel (Jewell) C., and Benjamin F. Duncan, Elizabeth Tinnon and [illegible] Williams, are children of one Joseph Duncan, deceased; that Joseph Duncan was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The applicants were born since 1866 and possess no rights to enrollment except as descendants of their father. The minor applicant, Lee E. Williams, is the child of [illegible] Williams, born since 1896 and possesses no rights to enrollment other than as a descendant of his mother. The minor applicant, Mary Tinnon, is the child of the applicant, Elizabeth Tinnon and one Willis Tinnon deceased, was born since 1896, and possesses no rights to enrollment except as a descendant of her parents. Willis Tinnon is not identified upon any Cherokee roll

and it is not established that he possesses any rights as a Cherokee Freedman.

None of the applicants is identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

W.M.M

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 790 et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 4, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1906, rejecting the applications for the enrollment as Cherokee Freedmen of John Wilson et al., George Wilson, Edward Wilson, Frances Wilson, Robert C. Duncan et al., Elizabeth Timson et al., Ann Williams et al., and Nicholas Landrum et al., was affirmed by the Secretary of the Interior on April 21, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

W. C. Drake

Acting Commissioner

Encl. D-86

DHB

Cher.Fr.D-791

Cher.Fr.D-791

File with case of Rector Bell, Beautiful C.N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 3, 1901.

In the matter of the application of Mariah Johnson for the enrollment of himself and six children as Cherokee Freedman, and for her husband as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Mariah Johnson.
Q How old are you? A 31.
Q What is your postoffice address? A Lenapah.
Q What district do you live in? A Goweesecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Descendant of Freedman.
Q Who do you want to enroll besides yourself? A My six children, I have a brother.
Q What about your brother? A Well, I have been looking after his business.
Q He is a man grown is he? A Yes sir.
Com'r: He must attend to himself.
Q Give me the names of your children? A Herman Johnson.
Q How old is Herman? A He is nine.
A Next child? A George.
Q How old is George? A He is eight.
Q Next one? A Gracie.
Q How old is Gracie? A She is seven.
Q Next one? A Alex Jr.
Q What, how old is Alex? A He is 6. Johnsanna.
Q How old is Johnsanna? A She is four.
Q Next one? A Luther.
Q That the youngest? A Yes sir.
Q How old is Luther? A Two years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Alex Johnson.
Q Is he a citizen? A He is a state man, adopted.
Q You don't apply for him? A He is adopted man; I couldn't [illegible]
Q Well, do you apply for him or not? A Yes sir, I do.
Q What is your father's name? A Spencer Bell.
Q Is he living? A No sir.
Q Your mother's name? A Elizabeth Tiggerstaff.
Q What was your name before you married? A Bell.
Q Then your mother's name was Bell wasn't it? A Bell.
Q Her maiden name was Tiggerstaff? A Yes sir.
Q Your father a citizen? A Yes sir.
Q Your mother a non-citizen? A Yes sir.
Q Your father is living? A No sir.
Q Is your name on the roll of 1880? A No sir.
Q Did you have Kidd money? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A My name is on the 1880 roll and it might be on the 1896 roll.
Q Your name is on the 1880 roll is it? A It is on the Vallace roll
Vallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:
[illegible] Mariah Bell, [illegible] District.
1880 enumerated roll of citizens of the Cherokee Nation examined and applicant identified herein and at [illegible]
1880 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Q You didn't have Kidd money? A No sir.
Q Have you a claim during the war? A No sir.
Q During the war? A No sir.
Q Had your father? A No sir.
Q Was your father? A Yes, sir.

Q Where were you born? A In the Cherokee Nation.
Q Did your father go out of the nation during the war? A He did.
Q Where did he go to? A Lawrence, Kansas.
Q Who did he belong to? A Martin Bell.
Q He a Cherokee citizen? A Yes, sir.
Q When did your father return to the Cherokee Nation? A He returned in the spring of '66.
Q How do you know? A There's one man that come with him, and there's two that seen him, more than that.
Q But you were born in the Cherokee Nation? A Yes, sir.
Q Have you got your witnesses here? A Allen Lynch is here, and Crap Lynch.

ANDERSON LYNCH, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Anderson Lynch.
Q How old are you? A 64.
Q What is your postoffice address? A Vinita.
Q You know Mariah Johnson, the applicant? A Yes sir, slightly.
Q Did you know her father? A I knew what she claims as her father
Q Who was that? A Spencer Bell.
Q Was he a slave during and before the war? A Yes sir.
Q Who did he belong to? A Martin Bell.
Q Was he taken out of the Cherokee Nation during the war? A Not as I know of; when the war was going on he was this side of Ft. Smith, with Martin Bell, living there.
Q Where was he in 1866? A He come to my house along in '66 and stayed there around, and he was among the neighbors there a good while.
Q In '66? A Yes, sir, and Lewis Kell come, Lewis went to see him, and he went to work for Lewis Kell.
Q Was he married then? A Yes sir, he claimed to be married then.
Q Did he have the woman that he claimed to be married to?
A No, sir; I didnt know her then.
Q How long have you known the applicant, Mariah Johnson? A I never knowed her until she come time they was taking the census over here, and she claimed to be his daughter.

Examined by Cherokee Representative, W. W. Hastings:
Q When was that, five years ago? A Yes sir.
Q You never saw her then until five years ago? A No, sir.
Q You don't know then that Spencer Bell was this girl's father?
A No more than just what I heard them say.
Q Spencer Bell didn't have any family when you knew him in '66?
A No sir, he didn't have my family then.
Q Where had he come from when you first knew him in '66? A He came from Ottawa, somewhere up in there.
Q How do you know it was '66? A I just knew when they was all coming back, noting back for their homes in '66.
Q They were coming back several years afterwards wasn't they?
A I expect they did have back; I saw a good many coming from the south a good while afterwards.
Q Who did he make his home with when he first came down there?
A He stayed at Lewis Kell, right at the old military crossing.
Q Which where it crosses Cabin Creek? A Yes sir.
Q About how long did he stay with Lewis Kell? A I don't know how long; he had got some cattle; think, and left with Lewis Kell, until he could move his family down to settle.
Q Did he ever move his family down there afterwards? A No, he left them down there with him and I heard of him moving them away. I don't remember well.
Q When did you ever hear of his moving them down there? A

A I don't know just when it was.

Q A number of years afterwards? A Yes, sir, I just heard of them up in there.

Q Do you know he moved them up there? A No, sir.

Q Was Lewis Rogers living near Kell at that time? A Yes, sir, I think so.

Q Was Hooley Bell living there then? A I don't know whether Hooley was across the creek or not; he was somewhere there; Hooley knows pretty well when he was there working for Lewis.

Q Hooley Bell would know about all that? A Yes sir, he knows just exactly when he was there working.

Q Hooley Bell was living in the neighborhood at that time? A Yes sir, he was in the neighborhood near when he come there and went to work for Lewis Kell.

Q That's when you first knew him in the Cherokee Nation after the war? A No, he had been to my house, and went up there from it hunting work.

Q That was the same time you knew him? A No, it was before that that I knew him.

Q How long before? A It must have been about a year or more I guess.

Q Didn't you swear before in 1896 that you first knew this man when he come back to Lewis Kell's? A No sir, he came to my house.

Q How long did he stay at your house then? A He just come over there a week or two and then he would be working for Lewis and he come back over there after he got work at Lewis Kell's. I don't know where he went after that.

Q He didn't remain around your house a year before he got work at Lewis Kell's? A No, he would just go backwards and forwards; sometimes I would see him a week or two maybe, he would come around.

Q You didn't know where he was living or staying? A No, sir.

Applicant, MARIAH JOHNSON, recalled, and further examined:

By Commissioner Meechem:

Q Were these children all born in the Cherokee Nation? A Yes, sir, right where I am living now.

Q How long have you lived in the Cherokee Nation? A About all my life, of course I was educated in the state.

Q Were you born in the Cherokee Nation yourself? A Yes, sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Where? A I don't know where; my mother testified in the Vallere Court I was; I suppose she knew.

Q When you were first old enough to remember where were you? A In the Cherokee Nation.

Q Where? A Over there not very far from the river.

Q You were married in Kansas were you? A No, I wasn't, I got a license to marry under the tribal law of the Cherokee Nation.

Q You say all of these children were born here in the Cherokee Nation? A Yes sir.

Q What town in Kansas have you lived? A I lived there at Independence, not very much, but I was educated in Lawrence, Kansas, that is, I was going to school there.

Q Your mother living there then, in Lawrence, Kansas? A Part of the time she was, and part of the time she wasn't.

Q Your father? A No, my father didn't live there at all.

Q You were living with your mother when you went to school there in Lawrence, Kansas? A Part of the time I was and part of the time I wasn't; part of the time she was here.

Q How long did you stay in Lawrence, Kansas? A Like anybody else I would go to school in the fall and sometimes I would stay until the end and sometimes I couldn't.

Q All told, how long did you stay in Lawrence? A I said I would go up there in the fall, the school taken up in September.

Q Did they run through one year or 47? I want to know about how many years that run through, one year or two years or three or a dozen that ~~that run through~~ you stayed up about Lawrence, and went to school? A I am telling you now I would go in the spring and come back in the fall.

Q For how many years? A '88 is the last time I went to school, and my mother written me to come home, she was failing, and I didn't go any more.

Q When did you first go to Lawrence? A I guess I was about eleven years old.

Q When did your mother first go to Lawrence? A My mother was married in Lawrence, Kansas, and she came down here and she went back up there, I don't know what was the first time she did go up there, but they married there, but she didn't come down here in '63, she didn't come with him.

Q Were you the oldest child? A No sir.

Q Who was the oldest child? A ~~[illegible]~~ My other sister, Matilda.

Q How much older than you is she? A I don't know, but I know she is older.

By Commissioner Needles:

Q Have you any certificate of marriage? A No sir.

By W. F. Hastings:

Q Have you got any brother or sister younger than you? A Yes, sir, John.

Q How much younger than you is he? A I guess he is 35 years old.

Q Where was John born? A Born here.

Q Where? A Here in the Cherokee Nation.

Q Where in the Cherokee Nation? A I don't know exactly where he was born, but I know he was born in the Cherokee Nation,- at least she said so.

Q You are five or six years older than he is, aint you? A Yes, maybe more than that.

Q And you don't know where he was born? A No I don't.

Q What is your next youngest brother or sister? A I haven't any more youngest.

Q When you were first old enough to remember, what point in the Cherokee Nation did you live? A Well, I stayed there on the river.

Q On what river? A On Verdigris.

Q What town is near there now? A Coffeyville.

Q About how far from Coffeyville did you live? A Maybe 14 or 15 miles.

Q Who were your neighbors then? A The Browns were neighbors.

Q Have you lived in that neighborhood ever since? A No, I haven't, I told you about my going to school.

Q Well, with that exception? A (No reply)

Q You have known you mean that country from your infancy? Those people you have got as witnesses live east of Vinita and you live way up near Coffeyville, 70 or one hundred miles, who up in that section of the country have you have lived there from your childhood?

A Uncle Dan Grumett, he has known me.

Q What is his postoffice? A I believe it is Bowata.

Q About how many miles did he live from you? A He lives 15 miles from where we live.

Q And he was your nearest neighbor? A Yes.

Q Is he any relation to you? A No. I lived a while with my grandfather, old man Lecher, I lived some with his other my father died, my father married old man Lecher and I lived some with him, but you are speaking about his, in the year 1893 I came up to Coffeyville and had papers with me and there, and I called around there and they looked at my papers and took my papers back and

they told me I could either leave them or send them back, and I sent my papers back to Tahlequah with Eli Vann and they addressed my father up there, and Mr. Mayes, he wasn't chief then but he is chief now, and he said to the National Council that my father was owned by his uncle and during '66, part of that time he was on Lynch's Prairie.

Q You wasn't down there? A No, but they accepted - - ?

Q Well you had better not be telling what he said, you ought to have him here.

By Commr Needles:

Q What year was that? A That was in 1893.

Q They didn't give you your Strip payment money? A No sir.

By W. W. Hastings:

Q You know John Kinney? A Yes sir.

Q How far did you live from him? A Maybe three or four miles, maybe five.

Q He knows about your residence in the Cherokee Nation don't he?

A No, he didn't, not from my childhood up. After my mother died I worked there some for him.

ALLEN LYNCH, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Allen Lynch.

Q What is your postoffice? A Vinita.

Q What is your age? A 61 years old.

Q You know Mariah Johnson, the applicant here? A Yes sir, I have a short acquaintance with her.

Q How long? A I haven't known her more than three or four years.

Q Did you know Spencer Bell? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A Martin Bell.

Q You know where Spencer Bell was during the war between the North and South? A No, sir, first time I saw him I saw him at Lewis Kell's.

Q What year? A In the winter or fall of '66.

Q Was he married then? A Not as I know of.

Q Did you know his wife? A No sir.

Q Never knew his wife? A No sir.

Q Well, did you know Spencer Bell continuously from the fall of '66 up to the time of his death? A No sir, he left there in the spring of '67 from Lewis Kell's, and I don't know as I ever remember seeing him any more.

Q You don't know anything about Mariah Johnson here than only the last few years? A No sir, she told me she was Spencer's daughter, that's all I could tell you.

Q You don't know where she has lived for the last 20 years?

A No sir.

Examined by Cherokee Representative, W. W. Hastings:

Q First time you ever saw him he was at Lewis Kell's after the war?

A Yes sir.

Q Working for Lewis Kell? A Yes sir.

Q Lewis Kell lived on Spring Creek near Spring Hill? A Yes sir.

Q About how long did you see he worked there? A I don't know, he was there during the year, and I think he stayed there until the spring of '67, I remember certain.

Q That's the last you remember seeing him? A That's the last I remember ever seeing him.

Q You knew Antoinette, or Tony, Lewis? A Yes sir.

Q How far did you live from him in '66? A We lived about four miles.

Q You visited his frequently? A Yes sir, pretty often.

Q You were you ever allowed people around in the country? A Yes

Q Now the first time you saw Spencer Bell was when he was working for Lewis Kell? A Yes sir.

Q You never heard of him before that time? A No sir, I don't know just when he came there, or when he left there.

Applicant, MARIAH JOHNSON, re-called, and further examined;

By Commissioner Needles:

Q What is your husband? A He is at home.

Q Have you got any witnesses now that know you and know you are Spencer Bell's daughter and how long you have lived in the Indian Territory? A I can bring in a witness here.

Examined by Cherokee Representative, W. W. Hastings:

Q Didn't your father die in Lawrence, Kansas? A Yes, sir, he did.

Q And your mother was living there with him at that time? A No sir, she wasn't.

Q And you were living there with him? A No sir, my father didn't die at home at all, he didn't die there.

Q But that's the place you went to school? A Yes sir, went up there.

Com'r Needles: Mariah Johnson applies for the enrollment of herself and six children, Harmon, George, Gracie, Alex Jr., Johnanna and Luther Johnson, as Cherokee Freedmen; she also applies for the enrollment of her husband, Alex Johnson, as a Cherokee Freedman by intermarriage; she is not identified upon the authenticated roll of 1880 or on the census roll of 1896 or the Vann-Clifton roll, but her name is found upon the Wallace roll; she avers that she is a child of one Spencer Bell, by his wife, Elisabeth Sigrarstaff, a non-citizen; she presents marriage certificate certifying to the marriage of her father to her mother, which occurred on the 5th day of February, 1865; she also presents duly authenticated marriage license and marriage certificate, said marriage license being issued by the authorities of the Cherokee Nation, certifying that she was married to one Alex Johnson on the 27th day of November, 1894; she also files permit issued by the Cherokee Nation permitting said Alex Johnson to transport hay, etc. By reason of the fact that the name of said Mariah Johnson does not appear upon the rolls of 1880 or the census roll of 1896, and only upon the Wallace roll, and by unsatisfactory proof as to residence and citizenship, said Mariah Johnson and her children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card; the name of her husband, Alex Johnson, will also be listed for enrollment as a Cherokee Freedman by intermarriage but upon a doubtful card. She will be duly notified of the decision of the Commission, by mail.

E. D. Green, being first duly sworn states that he stenographed the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, E. D. Green,

Subscribed and sworn to before me this June 6th, 1901.

Signed, T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 8, 1901.

Maria Johnson et al.

Ben Grimmett, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ben Grimmett.
Q What is your age? A About 68.
Q What is your postoffice? A Nowata.
Q Do you know Maria Johnson, the applicant here? A Yes sir.
Q How long have you known her? A I have knowed her about eight years, I guess.
Q Where has she been living the last eight years? A Why I couldn't say, but she is living here at Lenapah now.
Q Has she been living in the Cherokee Nation in the last eight years to your knowledge? A Yes sir, I think.
Q Continuously? A Yes sir.
Q Did you know her father? A Yes sir.
Q What was his name? A Spence Martin.
Q She says her father's name was Spence Bell? A Spence Bell, that is what I had reference to.
Q Did you know her mother? A No, I didn't know her mother good.
Q Was Spence Bell a slave? A Yes sir.
Q Who did he belong to? A He belonged to Bell.
Q When did you first know him? A Well, I knowed him when we come from Kansas; we come together.
Q What year? A I couldn't tell you that. He come when I come.
Q You don't know what year you come? A No sir.
Q Was he married at that time, Spence Bell? A Yes sir, that is what he told me.
Q Did he have his wife with him? A No, he come to get a location and when we come he come there to Blue Alberty's; there to his mistress, and he told us he was going to get a location while he is here.
Q Did you know him after that? A Yes sir.
Q Did you know him until his death? A Yes sir.
Q Where did he live all the time when he come with you until the time he died? A I wasn't living right there with him, but he was there all the time after he come; I never heard of his going back.
Q Where did he die? A Why, I couldn't tell you that.
Q You don't know whether he died in Kansas or the Cherokee Nation? A No sir, I couldn't tell you that.
Q You don't know how long he lived in the Cherokee Nation before he went back to Kansas? A No sir, but I think he made a crop before he went back.
Q Do you know where Maria was born, this applicant? A No sir.
W. W. Hastings: When he first came down here how long did he stay? A I couldn't tell you; he was hired.
Q Who to? A I couldn't tell you for certain, but Blue Alberty hired him.
Q Was that in the year '67? A It must be, we and Min had just come.
Q But you don't know the year? A No sir, I couldn't orient the dates or months.
Commissioner: Is your name on the roll of 1880? A Yes sir.
W. W. Hastings: Where did he come from, Ben? A He started from Fort Smith. I don't know where he came from; he was with Ben Gardner; he drove one of Ben Gardner's teams.
Q Did you see his wife up there? A Yes sir.
Q Who was living there at Fort Smith? A No, I don't know whether he came; he came with Ben Gardner.
Q You didn't see his wife there? A No sir, I didn't see his wife.
Q How long did Spence Bell work here after he first came to the Cherokee Nation? A I kept him off and on, he was coming [illegible] that he was at Blue Alberty's, or at one of the places I couldn't tell. He told me he was at work. He came to my house and I could find him there.

Q To what period - about how long, did he stay there two or three years? A No, I couldn't tell you that, but he was there and pretty soon I moved off. I don't know what time he went; he was living with Blue Alberty.

Q Blue Alberty lived down near Chouteau, didn's he? A I couldn't tell you; he was living about Grand River; I lived three miles from Blue Alberty.

Q Where were you living? A About three miles from there.

Q Well, what town? A There wasn't no town there.

Q Well, what town is near there now? A Near, it must be Brushy, I mean. There was no town there when I was living there.

Q Where wasn't? A No sir.

Q Where did you next see this man after he left that neighborhood?

A Why I used to see him about Grand River.

Q Well, along since the war? A No, you know he died; I don't know when he died, but I used to see him there when I moved from there.

Q When did you first see his wife and family in the Cherokee Nation?

A I couldn't tell you that; I moved when he got his family.

Q You didn't know them until about eight years ago? A No, it was longer than that.

Q I think is that a while ago, didn't you? A Well, her mother - he didn't have his wife with him when he came with us.

Q When did you know his wife first? A I knowed her before the war.

Q Where did you know her? A Well, I used to know them.

Q Was Swanee Bell married before the war? A I couldn't tell you that.

Q Was he living with her as his wife before the war? A Yes sir.

Q Where at? A I couldn't tell you that for certain; we never noticed about where it was we seen one another; I couldn't tell you, but I think they lived on Grand River; that is all I know.

Q You have gotten acquainted with this woman since? A Yes sir.

Q What is this woman's mother's name now? A It has been so long I don't remember, but I know the people; I don't call their names.

Q And you knew the woman you knew her before the war? A Yes sir.

Q And you know her on Grand River? A Yes sir.

Q And you know Swanee Bell was living with her as husband and wife? A Yes sir, that is what they told me.

Q You have been in Oklahoma this last once, haven't you? A Yes sir.

Q Were residing? A Yes sir.

Q You married? A No sir.

Q Were you married or not? A No sir.

Q Did you ever? A I never was in any difficulty about that time.

Q I am talking to you now, weren't you tried down in Tahlequah District, yourself? A Yes.

Q Was charged for swindling? A I was indicted of it.

Q Weren't you charged - you know whether you were charged or not - charged or swindling? A I believe to charge question. I don't know the question.

[illegible]

[illegible]

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of Alex Johnson et al. for enrollment as Cherokee freedmen.

Supplemental testimony.

Appearances:

Nellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

HARRIET BROWN, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Harriet Brown.
Q Where do you live? A Coowescoowee.
Q How old are you? A About 63.
Q Are you a colored citizen of the Cherokee Nation, on the 1880 roll? A No, sir.
Q What are you? A A Cherokee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee by blood? A Yes, sir.
Q Well, do you know the applicant, Maria Johnson? A Yes, sir.
Q What was her name before she was married? A Maria Bell.
Q Do you know a brother of hers by the name of Reason Bell? A Yes sir.
Q Who was their father? A Reason Bell.
Q Reason Bell? A Yes sir.
Q Do you know them before the war, or do you know them you since the war, that year? A Oh '65.
Q Where did you see them? A Up to Mr. Bell's.
Q Well now, how long have you known these children, Maria Johnson and Reason Bell? A Ever since they were little children.
Q Where have they been ever since that time? A Yes, sir.
Q Where have they been during the time you have known them? A In the Territory.
Commissioner: What Territory? A Cherokee Nation.
Mr. Hastings: Reason, were you in the army? A No, sir.
Q Were they living in the Nation? A They were in the Territory; I was south during the war.
Q Who did you come back with? A Came back with a man by the name of Reason.
Q Any other place? A There was a whole lot of us.
Q Got Cherokees? A Yes, sir.
Q Some of them? A Came back with Joe Lacey, my husband's brother.
Q Was Joe Lacey at Cherokees? A Yes sir.
Q What time in the year was it you came back? A I don't know, don't know any more.
Q You don't know what month, do you? A No, sir.
Q You don't know what year, do you? A No sir.
Q You don't know what time the Rebellion ended, do you? A No sir, don't know a thing about it.
Q You never kept a date in your mind? A No sir, don't write, I don't write, don't know the dates.
Q You don't know what year you were married? A I was married before the war.
Q You don't know the date? A No, sir.
Q Don't know what month you married? A Never when they came home, was always home the dates.
Q Was that Mr. Bill Bell? A Mr. Lewis Bell.
Q Where was Lewis Bell living? A Mother on my house.
Q Was he over that way married? A I don't know, it my 10 miles

Q What direction from Vinita? A East.
Q This man living on it at that time, Spencer Bell? A He was living by Mr. Kell, me and him both.
Q Who else was living with him? A This boy I think.
Q How long had you been back here then? A Oh, a long time.
Q Several years? A Yes sir.
Q Over a year? A Yes sir.
Q As much as three or four years after the war? A I expect so.
Q What was then you were living by him? A Yes, sir.
Q Did Kell have a wife then? A Yes sir, I think he did.
Q What was her name? A I disremember now.
Q Did he have any neighbors around in there? A No, sir, wasn't anybody around there hardly.

Commissioner: This testimony will be made part of the testimony in C-498. It will also be made part of the record in the case of Hector Bell.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 28th of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he noted the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd day of July, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 21, 1901.

In the matter of the application of Rector Bell for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for the Cherokee Nation.

Rector Bell, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rector Bell.
Q That your name now? A Yes, sir.
Q How old are you? A About 27 years old as near as I can come at it.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Nobody but myself, my sister and brother have been enrolled.
Q Is your name on the roll of 1880? A No, sir, it is on the Wallace roll.
Q What is your father's name? A Spencer Bell.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Elizabeth Bell.
Q Is she living? A No, sir, she is dead.
Mr. Mellette: Where were you born? A In the Cherokee Nation.
Q Where have you lived since your birth? A Right here.
Q Cherokee Nation? A Yes, sir.
Q Do you know Mariah Johnson? A Yes, sir, my sister.
Q Was applied for enrollment here? A Yes, sir.
Q What relationship is she to you? A My sister.
Q Same father and mother? A Yes, sir.
Mr. Hastings: How old are you? A 27 years old.
Q In what part of the Cherokee Nation were you born? A Coowescoowee district.
Q What place? A Up by Hickory Creek.
Q How far was that from Coffeyville, Kansas? A Up near Coffeyville, I don't know exactly what district, I just know what my mother told me.
Q When you were first old enough to remember, where were you? A I was living with Hannah Brown.
Q How long did you live with him? A I don't know exactly, I was living there when my father died. Lived there after that.
Q Well now, about how old were you when your father died?
A I was about 12 years old.
Q How long did you continue to remain there after your father died?
A Well, about two or three years I guess.
Q Where did you go? A I was just working around through the country, around in Missouri & Texas.
Q Then where did you go? A Came right back here and remained around Coffeyville.
Q Did you also reside in Kansas? A Yes, sir.
Q At what place in Kansas? A Coffeyville.
Q What other place in Kansas have you resided? A That is the only place.
Q Did you ever live at any other place in Virginia except Coffeyville?
A No, sir.
Q This place here you have spoken of as the Hickory Creek? A Well, [illegible]

Rector Bell - 2.

Q Where has Mariah Johnson been living? A Ever since she has been married she has been living up here north of Lenapah.
Q You are a son of Spencer Bell? A Yes, sir.
Mr. Mellette: Is your name on any of the rolls of the Cherokee Nation? A On the Wallace roll.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Wallace roll examined, and the applicant identified thereon, page 105, No. 2249, Cooweescoowee district.
Q How long have you lived in the Cherokee Nation? A All my life.

Commissioner: Rector Bell applies for the enrollment of himself. From an examination of the authenticated roll of 1880 and the census roll of 1896 and the Kern-Clifton roll, his name cannot be found, but he is duly identified upon the Wallace roll, according to page and number of the roll as indicated in the testimony. The applicant makes satisfactory proof as to residence. The attorney for the applicant prays that the testimony taken in the matter of the application of Alex Johnson et al., on D card 493, be made part of the record in the case of the applicant, which will be done, and a copy of said testimony will be filed herewith. The said Rector Bell will ~~xxxxxxxxxxxxxxxxx~~ not be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises when arrived at.

oooooooooooo

Bruce T. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce T. Jones

Sworn to and subscribed before me this the 8th of June, 1901.

Commissioner.

Seven.

What is [illegible]

What is y[illegible]

What is your [illegible]

How long [illegible]

Do you [illegible]

About how [illegible]

[illegible] 24 years, [illegible]

Did you kn[illegible]

there.

What was [illegible]

Just now—

[illegible] hell [illegible]

Hell was [illegible]

How long a[illegible]

[illegible] over [illegible]

[illegible] regular [illegible]

[illegible]

[illegible] you [illegible]

[illegible] there [illegible] hotel.

File with Hector Bell, Cherokee Freedman D-791.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 19, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Hector Bell
Cherokee Freedman D-791.

Appearances:
James S. Davenport for the Cherokee Nation.
Melissa A. Smith for the applicants.

H. B. PARKER being first duly sworn by Com'r E. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)
Q What is your name? A H. B. Parker.
Q What is your post office address? A Ottawa, Kansas.
Q What is your age? A 43.
Q How long have you lived at Ottawa Kansas? A Since '85.
Q Do you know a colored man there by the name of Hector Bell? A Yes sir
Q About how long have you known him? A I can't tell exactly, a number of years, 12 to 14 years, maybe longer than that.
Q Did you know any of his people there? A I knew his father, he died there.
Q What was his father's name? A His first name was— I cant think of it just now— I know there were two Bells died there one was named Austin Bell and the other one was named Spencer Bell, I think Spencer Bell was Hector Bell's father.
Q How long since you saw this applicant there? A I saw him there in June
Q Has he ever voted there? A Yes sir.
Q Has he registered there in the town of Ottawa in order to vote there? A Yes sir.

(By Mall tte)
Q Where is he now? A I dont know, I haven't been at Ottawa myself since the first of July.
Q Do you live in Ottawa? A Yes sir.
Q Where was he five years ago? A I dont know sir, I think he was at Ottawa working there in the Central Hotel.
Q Are you certain about that? A I know he was there at election time.
Q He had no permanent home there? A No sir.
Q He had some relations there, has he? A Yes sir.
Q Didn't simply himself? A Yes sir.
Q You don't know whether he spent a portion of his time here in the Cherokee Nation or not? A No sir, I dont, I never missed him from Ottawa any length of time.
Q How many in Ottawa? A Nine thousand.
Q Is he a friend of his? A He could go away from there and you not know it sir? A No sir, except during election time.
Q How long has he been there? A I dont know.
Q Where was he before that? A I don't remember where he was then.
Q Did he live there only during the last few years? A I have seen him for a number of years, as to how long, I dont know.

By Davenport:
Q Do you know that he will be out there? A He will be entitled voting.

[illegible]

File with C. R. D-781.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1906.

In the matter of the application of Hester Bell for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-781.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. R. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas.
Q How old are you? A I will be 41 in July.
Q How long have you lived in Lawrence, Kansas? A About 34 or 35 years, I think.
Q When did you go to Lawrence, Kansas, with reference to the closing of the war of the confederacy? A '66 or '67.
Q After you went to Lawrence, Kansas, did you get acquainted with a colored man and his family, the man's name being Spencer Bell? A Yes, sir.
Q Do you know where they were living at that time, whether it was Lawrence, Kansas? A They were living—I can't say that at the time I got acquainted with him; but I know where they were living at after I got acquainted with him living there in North Lawrence not very far from the bridge.
Q Do you remember the name of any of Spencer Bell's family? A Well, there was one of the girls named Maggie, and the other one named Bettie, one was named Hester, and the other was named Jane.
Q After you got acquainted with Spencer Bell's family how long did they continue to reside in that neighborhood or near there? A Why his whole family do you mean?
Q Yes, sir. I mean he and his family. He did not stay gone? I don't know whether he moved away or not. A I don't know that he did.
Q Do you know whether he is living or dead? A He is dead I think.
Q Well now then when did he and his family or any part of it move away from there, or how long did you know them? A Well, one of the girls married and went to Topeka.
Q Which one was that? A Maggie.
Q Do you know the man she married? A She married a man by the name of Al Green.
Q And then what happened to any of the rest of the family? A I think the other married some man in Salem. I don't know what the old lady is.
Q What become of them and Hester? A I don't know.
Q How long did you know them in old Fort Lawrence before they left there? A I guess but my memory [illegible]
Q Did you meet them quite often while they were living there? A Yes, sir, used to live there a good many times.
Q Along how many years from the time you first saw them living in Lawrence? A [illegible] years since or long about [illegible]
Q And from the time you first commenced with them up to the time they went away had you been in their company? A Yes, sir, I have [illegible]
Q Do you know whether or not they were generally considered respectable? A Yes, sir.
Q [illegible] I did not see much of them [illegible]

Lawrence.
Q Well, that was in '66 say? A No, I don't think it was in '66; I think it was about '67.
Q About '67 you got acquainted with Hester Bell? A Yes, sir.
Q Well, how large was he at the time you got acquainted with him? A Oh, he was a pretty good-sized man.
Q Grown? A Oh, yes, he was grown.
Q Well, you knew Spencer Bell did you? A Well I was talking about him; I thought you meant Spencer Bell, the old man. I thought that you meant him when you was asking these questions.
Q I am talking about Hester Bell? A Yes, sir, his son.
Q When did you get acquainted with Hester Bell? A Well I got acquainted with him alone after that; I don't know just exactly when, but it was after I got acquainted with his father and mother.
Q How long after you got acquainted with his father and mother? A I am not able to say just how long, but I knew him when he was a boy around there.
Q How large was he when you knew him? A Well, he was a little fellow, I don't know just how large he was, I guess he was some probably four or five years old.
Q When do you think you first saw him? A I couldn't say that either.
Q Well, it was before you left there; you didn't stay there more than about eight or nine years did you, in Lawrence? A I have been there 34 or 35 years since I first came there.
Q Well can't you fix about the first year you got acquainted with Hester Bell? A No, I couldn't tell just exactly when I did get acquainted with him.
Q Well now when did you first know Spencer Bell? A Just shortly after I went to Lawrence about the same year.
Q You don't know what year you went to Lawrence? A Yes, sir.
Q You can't tell whether it was '66 or '7? A No, sir.
Q Well, did you live there continuously after you went there? A Well, yes; that's been my home ever since I went there.
Q But you were off at work for three or four or five months at a time, were you not? A Yes, sir.
Q How long is the greatest length of time you ever stayed away from there as a young man at work? A I think it was about something near a year.
Q Something near a year; where did you stay? A Down in Missouri.
Q Well you don't know where Spencer Bell was then when you was away from there, do you? A No, I don't know where he was that I was away.
Q You don't know where Spencer Bell was in '66 do you? A I won't be positive that I do.
Q You don't know whether you knew him in '66 or not? A No, sir, I don't but I knew him shortly after '66 or '67.
Q You did frequently go there at Lawrence? A Yes, sir, worked with him.

[illegible] This testimony will be filed with and made a part of the record in the following Kansas Freedmen Claims, Docket, and Roll, the case of Ben.

Arthur G. Dunningan, being first duly sworn, states that he is acquainted in the neighborhood of the Kansas Freedmen Claims in that the testimony and proceedings in the above case, and the witness is a bona fide resident of the State of Kansas and known to believe to be the same as represented herein.

File with Cherokee Freedmen D-791, Hector Bell.

F. D- 493.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 22, 1902.

In the matter of the application of Marith Johnson et al for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-493.

APPEARANCES:
Lewis T. Brown, representing Mellett & Smith, for applicants.
W. W. Hastings for Cherokee Nation.

TESTIMONY IN BEHALF OF APPLICANTS.

DAVID LOGAN, being first duly sworn, testified as follows:

MR BROWN: State your name? A. David Logan.
Q. What's your age, Mr. Logan? A. 68 years.
Q. Your postoffice address? A. South Lawrence, Douglas County, Kansas.
Q. How long have you lived in the vicinity of Lawrence, Kansas?
A. Well I came there the fall of '65, September, '65, and has been living in that vicinity up till I came down here.
Q. Did you know a man up there by the name of Spencer Bell? A. I did.
Q. When did you first learn to know him? A. Oh, it was after I came there, I guess the winter of '65; didn't know him a great while, that is, only knew of him and met him and talk with him at times.
Q. Was he known as an Indian nigger? A. I knowed that he was known by the people saying so and hearing-see that he was a Cherokee nigger.
Q. When did Spencer Bell leave the vicinity of Lawrence, Kansas?
A. Why something in the forepart of the summer I seen Spencer Bell and he told me he had been to the Cherokee Nation.
Q. Of what year? A. Oh, '66. And I asked him-
MR. HASTINGS: That's entirely a declaration in his own interest, made when he didn't know it though.
COMMISSIONER: State what you know about it. A. I asked him what was in it; he claimed to be were born, and his first born, and I asked him what was they in it, traitor, one member that kind of tribe; he asked me if I knew Bob Ashbaugh; I said yes, I know him; he said he's an Indian nigger. Well I says I know he is; he's gone, but he's some kin.
Q. That was in the summer of '66? A. Yes, sir.
MR. HASTINGS: Were part of the summer of '66? A. Yes, sir. Well I guess most have been in June, maybe May, I can't tell, considering about in the first part of the summer.
MR. BROWN: Did he come live down south? A. Yes, sir, the old man, he came down to farm about it, I think; [illegible] he old man really lived on the road all the time or lived out of sight, but he was [illegible] and farmers on the road or away from where the most of the [illegible] as long as I knowed him.
Q. Now do you know a woman who lives in Lawrence, Kansas, by the name of Freedy Bradley? A. Yes, she's [illegible] to me, [illegible] old [illegible] man [illegible] [illegible]
Q. Where did you [illegible] in 1866 and 1867? A. [illegible] I know that she lived on the [illegible] [illegible]
Q. Do you know Mr. Ashbaugh, Robert Ashbaugh? A. Yes, sir.

Q. During those years did Hattie Drake go to school in Lawrence, Kansas? A. Oh, no, her folks never lived there, they run Stephens farm and lived in the country.

MR. HASTINGS: How long did you continue to know Spencer Bell up there? A. Oh, I knowed of him backwards and forwards from '65 until he was dead; I don't know how long it's been since he has been dead.

Q. Did he die up there? A. No, they reported he died up in Ottawa and brought back to Lawrence for burial.

Q. When was it he was reported to have died up there? A. Well he was reported to have died up there, I don't exactly know the dates he died, but then I know that he was brought back, and I was working out at Fort Riley, working on a construction train to pick up a wreck.

Q. He died at Ottawa? A. Yes, sir, what they told me he died at Ottawa; it's all hearsay that I tell you about his death.

Q. The time that Spencer Bell came to the Cherokee Nation was in May or June, '66, early part of the summer? A. Well I think he was back in June; that is what I think, wasn't he sure, but I think he was back in June.

Q. Think he was back there in June? A. Yes, sir.

Q. Did he have a family up there? A. Yes, sir, they said he had a family, I don't know much about the old man's family.

Q. The truth of the matter is you just seen him occasionally? A. I seen the old man occasionally, talked to him, couldn't talk very plain.

Q. Do you know what his business was? A. Well he told me he jobbed around. But the old man seemed to be wild after he had found out that he could get down here, he seemed to be wild about the other Cherokee niggers not coming back; that's the trouble with old man Bell.

Q. When you say him he was always in Kansas? A. Yes, sir, he was there in Kansas when I saw him.

Q. You never saw him in the Cherokee Nation? A. No, sir, I never saw him in the Cherokee Nation.

Q. When did you marry into Hattie Drake's family? A. Why I never married into Hattie Drake's family at all.

Q. Well how is it that you are related to her? A. Bill Drake is my wife's uncle, and after she was married —

Q. Bill Drake is your wife's uncle? A. Yes, sir.

Q. How long have you been married to your present wife? A. Well I have been married to her 20 years the 6th day of last February.

Q. Well prior to that time you wasn't in any wise connected with Hattie Drakes' family? A. Well I knew where they lived when I gathered up stock for Robinson; I knew right where they were living.

Q. Well you never had any particular occasion to look after their family prior to the time you married into it? A. From the time I married; from the time she married Drake?

Q. Yes, sir. A. Why the time I married.

Q. The time you married? A. Well sir, but I knowed the folks.

Q. What school did this Hattie Drake go to? A. Went to the schoolhouse at Full-leaf.

Q. Are you prepared to say now that she never went to school in Lawrence in '66 and '77? A. No, I am prepared to say that she never went to school there.

Q. How can you swear that? A. Because she didn't live there and her father was a poor man.
Q. Well do you know where this girl was in the years of '66 and '7?
A. She must have been at home.
Q. Well do you know that though? A. No. sir.
Q. Was you at their house in '66? A. Well now I went by the--
Q. Were you at Hattie Drake's house? A. Well, sir I was at her father's lots of times.
Q. And you know that she didn't go to school there? A. Well if she went to school in Lawrence I never knowed it, and I'll bet ten dollars that the record won't show any record that she ever went to school a day in Lawrence.
Q. Well now how is it that you can remember, when you wasn't connected with a man's family, where a girl thirty six years ago went to school, when you had no occasion to know her, to know anything on earth about it? A. Why, man, I was backwards and forwards. I bought corn from Uncle Charley Lee, that's Hattie Drake's father; she was a Lee. I bought corn from him and hauled it to the Robinson farm, that is I didn't buy it, but Gov. Robinson's farm bought it, and we hauled it to his stock to feed hogs.
Q. Well now what has that got to do with your knowing where Hattie Drake went to school? A. Well, I tell you I didn't know, but I would bet money that the record --
Q. Well, you don't know then? A. No, I don't know.
Q. You don't know it; that's all? A. No, I don't know, I don't say that I know it, but I would get on it she never went to school in Lawrence .

MR. BROWN: Mr. Logan, do you know any of Hattie Drake's children? A. I know of two of them and perhaps three.
Q. About how old is the eldest one? A. One of them is thirty years old, boy, he is two years older than my son, my son was twenty seven years old last October, the 28th I think his age is.
Q. That's the oldest child she has? A. Yes, sir, that's the boy, his wife died last week.
Q. Was that her first child? A. That was the first one I know nothing about.
Q. You were subpoenaed here by the Cherokee nation were you not?
A. I don't know how I was subpoenaed here, to tell the truth. I was subpoenaed by a man that said he was doing business with the Cherokees, and I was to go to the Cherokee Nation, and then tell me I am in the Choctaw Nation.

MR. HASTINGS: You don't know whether you are in the Choctaw or where? A. No, sir, I just not to take what the people tell me.

MR. BROWN: You were subpoenaed by a man by the name of Keys?
A. Yes, sir.
Q. Who told you that he was a U. S. Marshal? A. Yes, sir, that's what he said, if he hadn't been I wouldn't have turned a wheel for him. Because if a U. S. Marshal he's after you he makes a smoke.

MR. HASTINGS: This testimony will be filed with and made a part of the records in the following Cherokee cases: Dodd and Dodd.

Arthur E. Crosbaugh, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the cause named, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur E. Crosbaugh,

Subscribed and sworn to before me this 24 day of July 1906.

(SEAL.) Signed - R. W. Hunter,
Notary Public

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above cause, and that the foregoing is a true and complete copy of the original.

R. A. Stevens

Subscribed and sworn to before me this 7th day of August, 1906.

Bruce Jones
Notary Public

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Kellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Hester Bell, D 791;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants have until of this thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer in the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original transcript of the above entitled cases as filed with the Commission, copied and made by me.

Subscribed and sworn to before me this July 30, 1902.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Ross et al., as Cherokee freedman.

D E C I S I O N.

The record herein shows that on June 21, 1901, John Henry Ross appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his wife, Cynthia Ross, and her minor child, Beatrice Williams, as Cherokee freedmen. A copy of the testimony taken at Muskogee, Indian Territory, on April 28, 1902, in the matter of the application for the enrollment of David Martin et al., as Cherokee freedmen, is filed with and made a part of the record in this case.

The evidence shows that the applicants were born since 1866, and are the descendants of one George May (or Landrum), and have no rights to enrollment except such as they derive through him.

It is alleged that George May was the slave of a Cherokee citizen at the commencement of the rebellion. The evidence shows that he was taken to Kansas during the rebellion and did not return to the Cherokee Nation until some time after the return of the said David Martin. The Commission had heretofore found in the case of the said David Martin, Cherokee freedmen D-624, that he did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Thomas Walkers, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to make nations, therefore, the said George May (or Landrum), did not return within the time specified in said decree, supra.

It follows the name of George May nor those of the applicants herein is found upon the last authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Cynthia Ross and Beatrice Williams as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 295), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

Meadlee.
Commissioner.

Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this [illegible]

FIO 791 No. 2

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901

Marshal for the Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of . 1901

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I hereby certify that I delivered a true copy of the within notice to

A. D. 1901

Sworn to and subscribed before me this

A. D. 1901

Notary Public

Proof of service made and original filed with the Land Commission

SEP - 1901

NOTICE!

IN THE MATTER OF the application of Rector Bell for enrollment as a Cherokee citizen:

Case No. D 791

To Rector Bell Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on Oct 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

F. B. Rel.

W. W. Hastings

Attorney for the Cherokee Nation

I, here

instrument

day

SUBPOENA.

INDIAN TERRITORY, }
CHEROKEE NATION. }

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

Mrs. Peter Woodall.

to be and appear before the United States Commission at Vinita, Indian Territory, on the 7th day of October, 1901, then and there to give evidence in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands This September 30th, 1901.

L B Bell
N. Fox Hastings
Jas Davenport
Attorneys for the Cherokee Nation

Mx-9

COMMISSIONERS
TAM BIXBY
THOMAS B. NEEDLES
C. R. breckinridge
WM. J. BEALL
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO SERIAL NO. THE FOLLOWING

Cherokee Freedmen
D 792

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Cynthia Ross and her minor child, Beatrice Williams, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. VEB

Cher. Fr. D -792

Cher. Fr. D -792

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application for the enrollment of Cynthia Ross and one child.

John Henry Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Henry Ross.

Q How old are you? A 31.

Q What is your postoffice? A Talala.

Q What district do you live in? A Coowescoowee.

Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A I am already enrolled, I want to enroll my wife and child.

Q What is your wife's name? A Cynthia Ross.

Q How old is she? A She is 25.

Q Why didn't you enroll her when you enrolled yourself? A Because my witnesses were not present.

Q What is the name of your child? A Beatrice.

Q How old is Beatrice? A Eight.

Q What is your wife's father's name? A George May.

Q What is her mother's name? A Annie Foster now.

Q What was your wife's name when you married her? A Foster; she was a Williams.

Q How did her name happen to be Williams? A She was married once before.

Q Is her name on the roll of 1880? A I think not, I am not positive, it might be with John Morgan.

Q When were you married to your wife? A In 1894.

Q Do you apply for her to be enrolled as a Cherokee Freedman?

A Yes, sir.

Q What was her maiden name before she was ever married?

A Cynthia May.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Cynthia Ross not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant, Cynthia Ross, not identified thereon.

Q Is she on any of the rolls of the Cherokee Nation? A Yes, sir, Vallano, Clifton and '96.

Q What was her name on the 1896? A Cynthia May; you will find us together there on the Vallano and Clifton rolls as Vann.

Q Your name is on the roll of 1880? A Yes, sir, my name is Ross; that is my stepfather's name, Vann.

Q Were you married during the Vann-Clifton roll and drop the name of Vann yourself and wife together? A Yes, sir, it is Henry Vann on them.

Q Did you enroll by mail, your present name? A No, sir. I enrolled by Vann.

Q Give your name to me; and you went and wrote your name was Vann when you enrolled, you ought to be enrolled by your proper name. Your wife isn't with you. A Well she is on the Vallano roll, by the name of Williams, she and her child together.

Q Well your wife didn't appear to be on any of the rolls at all.

A Well she ought to be.

Q Well, you had better find out from somebody what name you go by and what name you gave her to by. What is this child, Beatrice, name? A Williams.

The Vallano roll examined, and the applicant, Cynthia Ross, identified thereon, page 174, No. 1848, Coowescoowee District, as Cynthia Ross.

The 1896 Clifton roll examined and the applicants identified

thereon as follows:
Cynthia Ross on page 170, No. 4200, Cooweescoowee district,
as Cynthia Mays;
Beatrice Williams on page 170, No. 4201, Cooweescoowee
district, as Beatrice Mays;

Q Was your wife Cynthia married before you married her? A Yes, sir
Q Who to? A Andrew Williams.
Q Is Andrew Williams the father of Beatrice? A Yes, sir.
Q You say your wife's mother's name is Annie Foster? A Yes, sir.
Q Have you any witnesses here? A I have one, Uncle Dave Martin.
Q Is your wife here? A Yes, sir.
Q Where is she? A She has gone right down there to get Uncle Dave.

By W.W.Hastings, Cherokee attorney: Who enrolled your wife five years ago, who was her father and mother then; in what case did she come; who applied for her? A She did, before the Kern-Clifton; I think she did, her and I wasn't married before the Court.

Q Then you don't know yourself whether she applied in her own name or whether her father and mother applied and she went down in the family? A Yes, she applied in her own name.

Commissioner: She was Williams then I suppose? A But she went by Mays.

Mr. Hastings: She any kin to Josh Mays? A No, sir, I think now.

Q Josiah? A I don't know him.

****

Taking of testimony continued by stenographer Chas. von Weise.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of June, 1901.

Commissioner.

Continued from Stenographer Bruce C. Jones.

At Nowata, I. T.

June,21,1901.

****

DAVID MARTIN called and sworn by Commissioner T. B. Needles, testified as follows:

By Commissioner:

Q What is your name? A. David Martin.
Q How old are you? A. 64.
Q In what district do you live? A. Cooweescoowee district.
Q Are you a Cherokee freedman? A. Yes sir.
Q Do you know John R. Ross? A. Yes sir.
Q Do you know his wife Cynthia? A. Yes sir.
Q How long have you known Cynthia? A. Ever since she was born.
Q What was her fathers name? A. George May or Landrum, belonged to the Landrum
Q What was her mothers name? A. Anna
Q Who did she belong to? A. I dont know.
Q Do you know if she was a slave? A. She said she was.
Q What was her fathers name? A. George Landrum.
Q Sometimes called George May? A. Yes sir, after his father.
Q Was he taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas.
Q When did he return? A. In 1866.
Q How do you know it? A. He came to my house.
Q Where were you living? A. On Grand river then.
Q When did you return after the war? A. In October 10th '66.
Q Do you remember the month that you saw him? A. I guess it was in October, it was a little time after I come.
Q Do you know when Cynthia came back here? A. She was born here.
Q I mean her mother? A. I dont know when she come.
Q When did you see Cynthia's mother for the first time after the war? A In '75.
Q You dont know if she was a slave? A. Only what I hear her say.
Q Were George and Anna married? A They lived together as man and wife
Q Was Cynthia born when they lived together as man and wife? A. Yes sir.

By W. W. Hastings-

Q Where were you living when you saw George May or Landrum? A. I was living at my sister Bettie Bean, Martin or Vann's she was by.
Q On Grand river? A. Yes sir.
Q Near what neighborhood on Grand river? A. Close to Island ford.
Q On which side of the river? A. This side.
Q How far from where Egit West lived? A. 2 or 3 miles from where he lives.
Q He was living on the same side of the river at that time? A. On the same side, he was south east of me and I was on the west side.
Q How long did you stay there? A. About 2 years maybe longer.
Q Did you have your wife with you? A. No sir.
Q That was Bettie Bean's husband's name? A George Bean.
Q You didn't have any of your children with you then? A. No sir but one of them was born at that time.

Q That was in October 1866? A. Yes sir.
Q Where was Joe Thompson living then? A. Wasn't there then.
Q Do you know Neeley Bell? A. Yes sir, I knowhim he wasn't there then he was there when I came back in 65.
Q Was that after that? A. Yes sir.
Q About how long after? A. No 65 was not after 66, I mean 75.
Q What was George Landrum doing ther when you got there ? A He was sick.
Q Did he have a doctor? A. He didn't then, he had had one.
Q Who else was living there? A. Tobe Bean, Lander Bean, Arthur Bean, Wesa Lynch, George Landrum, uncle Simon.
Q And Mart West was living on the west side of the river? A. Yes sir.

By Commission of applicant-

Q Have you any children by Cynthia yourself? A. I have none.
Q Have you a certificate of marriage? A. No sir I have the preacher here.

By Com'r Needles,-

John H. Ross applies for Mar his wife Cynthia and her child Beatrice Williams. He avers that before he married her she was married to one Williams by whom said child Beatrice was born. He avers that the said Cynthia is the daughter of George May and his wife Anna May. Said Cynthia cannot be identified on the roll of 1880 ~~as~~ but is identified on the Walker roll and the census roll of 1896, and the child Beatrice is identi- identified on the census roll of 1896; he makes satisfactory proof of residence, consequently the said Cynthia Ross and her child Beatrice Williams will be listed for enrollment as Cherokee freedmen on a doubtful card. In this connection the Cherokee Representatives ask that the a copy of this testimony be filed in the application of David Martin on Check 6 Freedmen D. Card ~~#168~~, and the same is hereby entered done.

* * * * * * *

Chas. Van Dalen, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the same is true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 19th day of June, 1906 at Muskogee, I. T.

Clerk of Court.

To Be Filed with 792.

F. D.-486.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 28, 1902.

In the matter of the application of David Martin et al for enrollment as a Cherokee Freedman, D-486.

Applicants represented by Mellette & Smith.
~~Cherokee Nation represented by J. S. Davenport.~~

HATTIE DRAKE, being first duly sworn, testifies as follows:

MR. DAVENPORT: What is your name? A Hattie Drake.
Q Where do you live Mrs. Drake? A I live in Lawrence Kansas.
Q Did you ever live at Ottawa, Kansas, did you get acquainted with a colored man by the name of David Martin? A Yes sir.
Q Well, do you know where they were living? A I don't know the street but they lived about a block away from me.
Q How long did they live there in Ottawa, Kansas, to your knowledge, or near you in Ottawa Kansas? A Well, lived there, I don't just exactly know how long but they lived in Ottawa, but I lived there well I will say sixteen or eighteen months, close to there.
Q Close to them? A Yes sir.
Q Well have you seen the David Martin that you know there in Ottawa, Kansas, since you come down here? A Yes, sir, there he is; just now shook hands with him.
Q When was that before you were grown or after you were grown?
A It was after I was married.
Q After you were old enough to marry? A Yes sir.
Q Your name was what then? A My name was Wilson, I married a man by the name of Levi Wilson.
MR. MELLETTE: How long did you say you lived in Ottawa?
A Lived in Ottawa about ten years.
Q You say you knew them there about eighteen months? A No, sir, I didn't say I knew them sixteen or eighteen months; I said I lived close to Mr. Martin about sixteen or eighteen months.
Q Well how long did you know him? A Oh, I knowed him, I don't know how long just exactly, I knowed him that long and longer, but then I don't just know how much longer.
Q You don't know how much longer? A No, sir.
Q Did he live there all the time while you lived there at Ottawa?
A No, sir.
Q When did you first get acquainted with him, what year? A Well, if I mistake not it was in '72, I was married in '72, and I moved to Ottawa in about four years after I was married.
Q Well there was Dave Martin in '68? A I don't know.
Q '69? A I don't know whether he was there in Ottawa in '67 or not, I don't know; I can't tell you just the date.
Q The first time you ever remember of seeing him was in '72 or '73? A Yes, sir, along in that time, Mr. Martin was one of the first—
Q You don't know whether he had lived in the Indian Territory and was backwards and forth in the Indian Territory or not, do you?
A No, sir, I don't know nothing about that.
Q Don't know anything about that do you? A No, sir.

Stipulated: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: Scott, Smith, and Drake, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 30th day of April, 1902.

Philip G. Reuter.
Notary Public.

I, Margaret Crutsinger, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me on this 20 day of May, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 28, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CYNTHIA ROSS, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, Baker & Purcel.
For Cherokee Nation, W. W. Hastings.

The records of this office show that on May 31, 1906, this case was remanded to this office by the Department for further hearing, and that on June 9, 1906, the applicant, her Attorneys and the Attorneys for the Cherokee Nation were duly advised of the Department's action and that this case would be taken up for hearing on June 28, 1906, at nine o'clock A. M., at which time the following proceedings were had:

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. BAKER:
Q What is your name? A Arthur Bean.
Q How old are you? A 63.
Q Where were you born? A In the Territory.
Q What nation? A Cherokee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you acquainted with George May in his life time? A Yes sir.
Q Whose slave was he if you know? A Pauline Landrum.
Q Were you a slave Mr. Bean? A Yes sir.
Q To whom did you belong? A Washington Adair.
Q How near were the farms, or places, or residents of Washington Adair and Pauline Landrum? A They were right close together.
Q Were you personally acquainted with George May? A Yes sir.
Q How long did you know him? A I knowed him from my boyhood, we were boys pretty much together.
Q I believe you said you were owned by these gentlemen who lived close together in the same neighborhood? A Yes sir, people in the Nation.
Q And were they related? A Yes sir.

BY MR. HASTINGS:
Q You made an affidavit to be filed in this case? A Not that I know of.
Q You don't remember that? A No sir, I was talking to these gentlemen here about a year ago about George May.
Q Were you down here last December in Muskogee? A I don't think I was.
Q Now do you have whether you were here on or about the 20th day of December last? A I don't remember of coming down here [illegible] at all, I was down here along to the hall but not on any [illegible] authority, I was here, — report George May.
Q Did you make any affidavit? A Down at all, no sir.
Q You swear that? A Yes sir, I never made none to that gentleman. [illegible] the statement I gave made was to this gentleman here, I don't [illegible]

Q Did you make an affidavit? A No sir.
Q Did you touch a pen in there? A No sir.
Q Did you authorize anybody to sign your name to an affidavit? A No sir.
Q You know this gentleman there Mr. Purcel? A It is the second time I ever seen him.
Q When did you ever see him before? A I don't know what time it was, but it was up there to his office.
Q Do you remember having made an affidavit up there at that time?
A No sir, I don't remember no more than making this statement.
Q Did you say anything to be taken down there? A No sir, I just went up there and stated that George May was a slave of Mrs. Landrum.
Q Did you do that? A Yes sir, I made that statement.
Q Was our statement taken down? A I guess it was.
Q Then didn't you swear to it? A No sir, I never been sworn until this morning.
Q Didn't you authorize an affidavit to be made then and there? A No sir.
Q You told them up there that all you were willing to testify about was the question of ownership? A That is all.
Q You told them you were not willing to testify about the time of his return, that you didn't know anything about that? A No sir, I just know of him being a slave here.
Q I will ask you if you didn't tell them up there at that time "If the last time he (referring to this George May), was in said Bourbon, Kansas, in the summer of 1866?" A No sir.
Q Wasn't that the last time you saw them? A I don't know when I last saw him.
Q That is the last time you saw him, was in Kansas? A Yes sir.
Q And that was during the war or just after the close of the war?
A Just after the close.
Q That was the last time you saw him? A Yes sir.
Q You never saw him in the Cherokee Nation after the close of the war? A No sir.
Q Where did you come back to after the war? A Up on the river there.
Q You came back on Grand River, did you? A Yes sir.
Q Below Vinita? A Yes sir.
Q Near Ketchum? A Yes sir.
Q And you have lived there continuously in that neighborhood since that time? A Yes sir.
Q If George May had come back in that neighborhood you would have known it? A Yes sir.
Q You were neighbors before the war and you would have been bound to? A I never seen him after the war.
Q If he had ever come you would have seen him? A Might apt to.
Q Don't you know you would? A He might have but I never seen him.
Q You can swear he never came back there for any length of time?
A No sir.
Q Are you any kin to him? A No sir.

ON BEHALF OF THE COMMISSIONER.
Q This man you have, is his name George May or Mays? A George May.
Q He was a slave of whom? A Pauline Landrum.
Q Was she a Cherokee by blood? A Yes sir.

BY MR. WAFFLE.
Q Mr. Dean you stated in answer to a question of Mr. Hastings that you didn't make an affidavit on the 26th of December, 1896, but you do state in answer to Mr. Hastings' question that you made a statement regarding the fact that George May was the slave of

Q You remember that fact? A Yes sir.
Q You remember in making that statement you said you are 63 years old, that you were an approved Cherokee freedman citizen, and that prior to the war you were a slave of Washington Adair's, you remember that don't you? A Yes sir.
Q Did you state at that time that you were personally acquainted with George May prior to the war, is that a fact? A Yes sir.
Q And that George May was the slave, as you have stated, of Pauline Landrum and that he lived in Saline District before the war?
A Yes sir.
Q And that he lived about two miles from where you lived? A Yes sir.
Q What you mean to say in answer to Mr. Hastings question is that you didn't remember of signing a statement but you remember making the statement? A I don't remember signing it.
Q But you remember Mr. Purcel being there at the time? A Yes sir.

BY MR. PURCEL:
Q Do you remember when you and Tom were up there? A Yes sir.
Q After you made this statement I wrote it out and read it to you?
A I don't remember.
Q Do you remember Mr. Shoenfelt, ex-Indian Agent? A No sir.
Q Do you remember going back with me into Mr. Shoenfelt' office and signing that? Don't you remember when you went back there?
A I don't think I do, I remember my making the affidavit there and you asked me those questions about this boy and I said I knew George when he was a slave boy.
Q What I am trying to get at is to recall to you about this signing of it , about going back the hall into Mr. Shoenfelt's office before a Notary Public and signing the affidavit that you knew him before the war? A Let me study about that, all I recollect is making the statement. If I went before a Notary it has slipped my remembrance.
Q You don't recollect going back the hall before a Notary back there?
A No sir, I don't remember that. I remember making the statement about George May being a slave before the war, but I didn't make any affidavit.
Q You don't remember that? A I told you I knew George before the war but I don't remember about him returning.
Q You couldn't state positively that you didn't make the affidavit?
A A. I could tell you I was there and made the statement before you that I knew George. That is what George asked me to do and I told him that is all I could do. All I know about George, he was a slave here and I couldn't make any statement about George returning, I told you that that day and I don't remember what day that was.

W I T N E S S E C O U N D .

LEANDER DEAN, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Leander Dean.
Q What relation are you to Arthur Dean, if any, who has just left the stand? A No sir.
Q What is your age Mr. Dean? A 64 years.
Q Where do you live? A Up in the Cherokee nation.
Q How long have you lived there? A Lived there ever since the war close I am living now.
Q In what county? A In the Cherokee nation below there I guess about 30 or 35 miles.
Q Were you a slave? A Yes sir.

Q And by whom were you owned? A Washington Adair.
Q Belonged to the same man that Arthur belonged to? A Yes sir.
Q Did you know George May in his life time? A Yes sir.
Q Where did you know him? A I knowed him right there, he lived about two miles below us. The first I evee knew of him was there.
Q Was he a slave, do you know? A Yes sir.
Q And who owned him? A Paulina Landrum, or her and Tom Landrum together.
Q One or the other of them? A Why both I guess.
Q When did you last see George May in the Cherokee Nation if you saw him at all? A I seen him once.
Q When was that? A I am not sure just when it was. It was pretty late though, along about '70, '69 or '70, I don't know just whereabouts it was, along there somewhere.
Q Where did you see him at that time? A Saw him up there at Gooseneck at Jesse Vann's place.
Q At Gooseneck Bend at Jesse Vann's place? A Yes sir.
Q Did you see him in the Territory before the war? A Yes sir.
Q Did you state how long you knew George way? A I don't know how long, ever since I knew anybody else.
Q Was he about your age? A No sir, he was a little younger than me I guess.
Q Did you go to Kansas during the war? A Yes sir.
Q When did you return to the Cherokee Nation? A Along in the fall of '66. The latter part of September first part of October, started in September I know.
Q I will ask you if you saw George Way in Kansas while you were there? A Yes sir, I seen him up there.
Q And how soon after you saw him in Kansas did you see him in the Territory? A Well I don't know, I couldn't tell just how long it was, along about '69 or '70 when I saw him here.
Q Don't know where he had been in the meantime? A No sir, I don't know, him and another man was together.

MR. MATTHEWS:
Q You say he and another man was together when you first saw them?
A Yes sir.
Q Who else was with him? A Ed Wilson.
Q You saw them at Jesse Vann's house? A Yes sir.
Q Where were they going? A I don't know.
Q Were they there on horse back? A I don't know how they were there, I just saw them there.
Q How far did you live from there? A I expect it is 50 miles.
Q You were just up there on a visit? A Just passing through.
Q How long did you stay at Jesse Vann's at that time? A There was two of them others with me.
Q Well how long did you stay at Jesse Vann's as you went through?
A Only stayed over night.
Q And it was while you were there in 1869 or '70 that George May came there in company with Ed Wilson? A He was already there, I seen him there.
Q Did he stay over night, or do you remember? A I don't remember, but I don't think he did.
Q How long was it after that time before you saw him again? A Never saw him any more after that time.

[illegible]

Mr. Hastings: Among the affidavits filed with the motion to reopen were affidavits of Stephen Little and Tom Baldridge. Both of them are present today at the hearing, but anticipating that they would be here I asked the Commissioner to testify in [illegible]

this case on this day as directed by the Commissioner to the Five Civilized Tribes in his letter to the parties advising of the setting of the case, the Cherokee Nation a has two witnesses they desire to introdocue, and by agreement of counsel they are introduced at the present time.

A. N. GEORGE, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A A. N. George.
Q Your post office? A Coffeyville, Kansas.
Q How old are you? A 63, will be this fall.
Q Are you a citizen of the State of Kansas? A Yes sir.
Q How long have you lived in the vicinity of Coffeyville, Kansas?
A Since March of 1869.
Q Where did you come from there? A From the northern part of the State, Franklin County, and I came there from Illinois my native state.
Q Do you know that part of Snow Creek which lies within the Cherokee Nation? A Yes sir.
Q Into what Creek does Snow Creek empty? A It empties into the Verdigris River.
Q About how much of Snow Creek is in the Cherokee Nation? A I suppose it would be about five miles.
Q When did you first become acquainted with that section of the country in the Cherokee nation through which this part of Snow Creek runs? A The first summer we were here, 1869.
Q Did you have occasion to go over it that summer? A Several times. Used to hunt quite a good deal and I went down the river a couple of times after cattle.
Q I will ask you whether or not there were any colored people upon Snow Creek in March, 1869, when you first came to Coffeyville, Kansas? A No sir, nor whites either in the nation.
Q Were any one living on it? A No sir.
Q Did you afterwards become acquainted with a colored man named Stephen Little? A Yes sir.
Q Do you know him now? A Yes sir.
Q Where does he live now? A Close to Lenapah.
Q Was he living in that vicinity when you first came there? A No sir, never lived there.
Q How soon after that time was it he first moved down there? A I think he moved there that fall.
Q Are you positive that he wasn't living there when you went there?
A Yes sir, I am positive of that. Positive he wasn't living there along in April, May or June.
Q Of 1869? A Yes sir.
Q You are positive he came down there subsequent to that time? A Yes sir.
Q Where did he first settle? A Well sir I should judge about two miles, maybe not quite so far, from the mouth of that Snow Creek.
Q North or south of the mouth? A Northeast of the mouth.
Q Did then you are familiar with the place which he afterwards settled? A Yes sir, I have been on it several times.
Q And were you familiar with that place directly after you came there in March, 1869, I mean with the country there? A Yes sir.
Q Was there any settlement there at that time? A None at all.
Q And it was settled then afterwards? A It was settled after March, -- it was settled after June.

Mr. Hastings: We desire to say that this testimony is taken for the purpose of contradicting the witnesses Stephen Little and

BY MR. PURCEL:
Q When did you say you moved to that country? A March, 1869.
Q Were you ever there before that time? A No sir.
Q Do you know who were there in 1866 or 1867? A If there was anybody I don't know it.
Q You don't know whether anybody were there then? A No sir.
Q When did you first know Stephen Little? A First people I know of being there,--- I think I first knew him about, --to personally know him about 1870.
Q You don't know where he was in 1866? A No sir.
Q You don't know whether he was around Coffeyville or in the Territory there? A I know he wasn't in Coffeyville.
Q How do you know, you didn't know him? A Wouldn't I seen him there?
Q In 1866? A No sir, not in 1866.
Q In fact you know nothing about that country until 1869? A Not a thing.

BY MR. HASTINGS:
Q You are prepared to say though that as late as March, 1869, there was no settlement on Snow Creek? A Yes sir, I am prepared to say that.

W I T N E S S E X C U S E D .

J. M. KEYS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q Your name is J. M. Keys? A Yes sir.
Q Your post office Pryor Creek? A Pryor Creek.
Q What is your age? A 63 years old.
Q You are a Cherokee citizen? A Yes sir.
Q Mr. Keys are you acquainted with the section of country just south of the Kansas line commonly known as the Snow Creek country?
A Yes sir.
Q You know where Snow Creek is then? A Yes sir.
Q Into what does this Creek empty? A The Verdigris River.
Q Have you ever been there since the war? A Yes sir.
Q When did you ~~when~~ first go up on Snow Creek after the war? A In April or May 1868 I had occasion to go along the Verdigris River from Goody's Bluff to Snow Creek.
Q Tell where also--did you cross it? A Yes sir, at that time.
Q How far from where it empties into the Verdigris? A I would judge about a mile.
Q What was the occasion of you going up there and making that trip at that time? A In the winter of 1867 I had had a bunch of cattle near the reservation, I. T., and there was a drover held a bunch close to where I did also and I lost some of the cattle out of the herd I had charge of and I followed this man to Snow Creek.
Q In search of those cattle? A Yes sir.
Q Did you have occasion to look around over the country for them on your trip up there? A Yes sir, it was a wild uncultivated country at that time.
Q Prairie country? A Yes sir, with the exception of the timber along the Verdigris River and the little streams that put in along the timber fringe the country? A Yes sir.
Q Did that timber fringe the country? A Yes sir.
Q I will ask you if at that time you found any freedmen settlements south of Goody's Bluff? A No sir, an edge of settlement from Cherokee Bluff to Snow Creek.
Q Anything out on Snow Creek? A No sir, not a single house, I

Q Did you go on those high points to look for those cattle? A On the south side of the creek there was quite a few high points and I could see the cattle from those places, and it was nearly as high on the north side where I was.

Q And you say you saw no sign of any habitation at all? A No sir, none then. No tracks or houses or places going in that would indicate a settlement of any kind.

Q Mr. George has testified that Snow Creek is only a short stream in the Cherokee Nation, does it head in Kansas? A Yes sir.

Q About how far straight through does it run, straight through in the Cherokee Nation? A I would judge from the mouth to where it goes into the Territory would be about 3 or 5 miles.

Q And you crossed it about a mile above its mouth? A Yes sir. I went right along the stream near its mouth and then crossed about a mile above the mouth of it.

Q And you went to the high points looking over the country in search of those cattle? A Yes sir.

Q And you saw no sign of any habitation? A None then, there was nothing there except that herd of cattle.

BY MR. PURCELL:

Q Were you up there at any other time near that time? A No sir. In subsequent years I went up there.

Q When you saw the cattle how far were they across Snow Creek? A They were north of Snow Creek somewhere, a mile or two.

Q And you went up and took your cattle back at that time? A Didn't take them back, went up and located the steers and sent after them.

Q After you located your cattle where did you go? A I returned. I stayed all night about half way between Goody's Bluff and Snow Creek.

Q You say it is perhaps 3 to 5 miles from where Snow Creek empties into the River to the State line? A Yes sir.

Q How far is it following the stream? A I couldn't tell.

Q You didn't look around any after you found your cattle? A No sir. It was winter when I was there but I looked around to see if I could see a house.

Q You say there was timber along the river and creeks? A Yes sir, the creek is sparsely timbered, considerable timber along the river.

Q You had never been there before? A Never was.

Q Could you state positively there wasn't any house along that creek? A Yes sir, I could state positively there wasn't any house along Snow Creek.

Q You didn't see any house? A No sir.

Q You didn't make a search? A No sir.

Q You couldn't state absolutely there was not a house along there somewhere between where Snow Creek empties into the River and the state line or following the creek? A I didn't see any.

Q How do you fix the time you were up there? A I fix the time, the war closed in 1865, in 1867 I drove a bunch of cattle and in 1867 I was employed to take care of this bunch of cattle and took that bunch up out the Verdigris River and wintered them there that winter and in the early spring gathered them up.

Q Can you state positively there wasn't anybody that lived along that creek? A I didn't see any.

Q Do you direct see any, did you state there was not any? A I don't know there was. There was some along the road I travelled.

Q There could have been people in the neighborhood and you not know them? A There may have been, but I saw no habitation scattered there.

Q Could there not have been people there? A I suppose so but I

Q How much of that country is known as the Snow Creek country?
A Snow Creek empties into the Verdigris River about three miles from the state line. The country north of it is commonly called that.
Q How far is it along the State line from where the Verdigris and Snow Creek ~~join~~ each cross the line? A I couldn't tell, 3 or 4 miles.
Q ~~And all that country is known as the Snow Creek country?~~ A Yes sir.
Q That would make the country 4 or 5 miles square? A Something like that, it would be in sorter of a triangle shape.
Q There would be 15 or 20 square miles in there? A There might have been, I couldn't say exactly how much.

W I T N E S S E X C U S E D .

By agreement between Attorneys for applicant and the Cherokee Nation this case was continued until July 12, 1906.

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Geo. T. Lossle., being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. T. Lossley

Subscribed and sworn to before me this 27th day of July, 1906.

[illegible]

Notary Public.

Cherokee Freedman R 736.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 12, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CYNTHIA ROSS, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, Baker & Purcel, by Mr. Purcel.
For Cherokee Nation, W. W. Hastings.

STEPHEN LITTLE, being first duly sworn, testified as follows:

BY MR. PURCEL:
Q What is your name? A Stephen Little.
Q How old are you? A I am going on 63.
Q Where do you live? A Cooweescoowee District, northern District.
Q What is your post office address? A Lenapah.
Q How long have you lived up there? A I have been living there right where I am now 26 years, and I lived on Snow Creek 7 years and I lived on Mills' place 7 years, that was in Delaware District.
Q Now whereabouts did you live on Snow Creek? A I lived about between I expect three and four hundred yards from the mouth, just in the edge of the prairie.
Q Where Snow Creek empties into the Verdigris? A Yes sir.
Q When did you first live there? A I went there in '66.
Q Where did you ~~[illegible]~~ come from there Uncle Steve? A I come from Leavenworth there.
Q How do you fix the time as 1866? A I fix the time for '66 by knowing that Joe Irving told me to come down there and take some cattle for him and I come down to take the cattle for Joe Irving and Jackman and when I got on Pumpkin Creek I turned the cattle over to the man that Jackman had sold the cattle to, and I told my wife she had a claim in the Nation we would come on down and make a farm, and I come on down on Snow Creek on the 4th of April and on a Sunday I got there I went over and picked out that place and moved over there.
Q Were you in the army? A Yes sir.
Q When did you get out of the army? A In '65, I was discharged at Fort Scott from being a quarter master for the colored folks and I went to Leavenworth and stayed there until the colored soldiers mustered out and then they come home, was the next spring I come back down here. That is the time Irving told me to come down here.
Q When were the colored soldiers mustered out? A In '65.
Q Then it was the next spring you came down here? A Yes sir.
Q Do you remember about the time in 1865 you were mustered out?
A Yes sir.
Q When was it? A It was about I think, about the 15th of April, any how it was just when the Lincoln got killed.
Q It was right after the assassination of Lincoln? A Yes sir, they shot the rebels that day and after that every fellow went his own way.
Q That was in the spring of 1865? A Yes sir.
Q And you came to the Snow Creek country? A Yes sir.
Q How long did you live in that country there? A 7 years.

Q Now what did you do in the Snow Creek country in 1866? A When I first moved there I made a little field, about four acres, and it was dry, couldn't make any crop, didn't get a mess of reastingears and that fall I went up and hired to Mr. Canada and he had a lot of hands hired at times, I can tell the names of some of them, Dick Whitmire, Moses Whitmire, George Meigs, Joe Eaton, and Dick Eaton, one of them, and I was making rails there for him and they had this boy.

Q What boy was that? A Mays.

Q George Mays? A He was water boy there then and when we got through, George Mays,--there was some man bought 400 head of cows from Mr. Canada and he hired him to be a cook for him and they said they lived up there by Wichita and George Mays went away with that man and I never seen him any more.

Q Do you know Cynthia Ross, the applicant in this case? A Yes sir.

Q Is she the daughter of George Mays? A She is his daughter so far as I know, she looks like him and they were living together when they had her.

Q He and the woman were living together when Cynthia was born?

A Yes sir.

Q You say when you went to work for Mr. Canada George was working there as a water packer? A Yes sir.

Q Now then where was Jack Canada's ranch? A About six miles from the mouth of Snow Creek.

Q Then how long did you see George Mays around there? A He was there all that fall until I quit there.

Q That was in the fall of 1866? A Yes sir.

Q Now was there much timber along Snow Creek, and along the Verdigris River? A There was a good deal of timber right there where Jack Canada lived and down where I lived.

Q The timber was between there and Jack Canada? A Yes sir.

Q Could you see Jack Canada's ranch from your place? A No sir.

Q Your house in the timber or out of it? A It was right in the edge of the timber.

Q Now you are well acquainted with all that Snow Creek country?

A Yes sir.

Q Do you know of any high place along Snow Creek, say a mile or a mile and a half up Snow Creek? A About three quarters of a mile or it may be a mile, there is a high ridge, goes out (witness motions) and runs across country northwest and if a man come over this side he could see where I lived and if he went over that way he could see the timber up where Jack Canada lived.

Q Now at that time could a man on any of those high places see Jack Canada's place for the timber? A No sir.

Q Could they see your place? A No sir, they might see the dead trees around my house, I deadened them there.

Q But a man could cross Snow Creek and go on those high places and see your place or Jack Canada's place? A No sir.

Q Now you say that fall Jack Canada sold some cattle and this boy George Mays went away with those cattle, when did you see him again? A I never seed him any more until this woman was coming back from Texas with a white man and it was after Coffeyville had started, it must have been 4 or 5 years.

Q Who took her from the white man? A George Mays and Tom Arthis and another man.

Q Did George Mays live with that woman? A The same thing I knowed he had her for a wife.

Q Was this girl born after they were living together? A Yes sir.

Q And they were living around in the territory then in that county? A Yes sir, I think they lived on Morgan's place when that girl was born, and Morgan's place is on a Creek called Vinegar Creek and about two or three miles below Chandler's place and Canada lived right on the line.

Q [illegible] Cynthia Ross the applicant here? A Maybe a [illegible]

Q She is the same woaman that was born to George May and the woman there? A She is the same girl.
Q Do you know a man around Coffeyville named Newt George? A I do.
Q When did you see him first around in that country? A The first time I seen Newt George I had been over to Mills and lived there a year, lived on Snow Creek 7 years and then Mills 4 years, and when I come back from over there he was punching cattle for a man named Wilson down on California Creek.
Q That was after you came back from living on Mills place? A Yes sir, in 1874 or '75.
Q You never knew Newt George around when you were living on Snow Creek? A He told me a number of times he was in Illinois then. I went to his place to breed our mares there, he had a new place and his wife was dead and he had two sisters and his brother living there with him.
Q When you came back from living on Mills' place Newt George was living there? A Yes sir, about two miles west of Coffeyville.

BY MR. HASTINGS:
Q You are a colored man yourself? A Sir.
Q I said you are a colored man yourself? A Yes sir.
Q You are not a citizen of the Cherokee Nation? A I don't know whether I am or not, I ought to be.
Q Are you an applicant to be enrolled? A No sir, I have never been an applicant to be enrolled.
Q Why ought you to be? A According to your Treaty.
Q Then you are a claimant for citizenship? A No sir, I am not a claimant for citizenship, my wife is.
Q What is her name? A Virginia Thompson.
Q I believe you stated that when you first saw George May packing water for Canada that certain other fellows whose names you have mentioned were working for Jack Canada, and among them were Dick and Moses Whitmire? A Yes sir.
Q And George Weigs? A Yes sir.
Q And Joe Paton? A Yes sir.
Q Now that was in the fall of 1866? A Yes sir.
Q How far were they putting up hay from your place? A About 6 miles.
Q And how far from the mouth of Snow Creek? A About 6 miles as near as I can come at it.
Q For what difection from the mouth of Snow Creek? A Up the Creek, the creeks runs so and they were way up the creek.
Q I want to know the direction, north, east, south or west? A It was running northwest.
Q Well what direction from the mouth of Snow Creek were they putting up the hay? A Northwest.
Q About 6 miles from the mouth? A Yes sir.
Q It was cut on the open prairie was it? A It was cut on the open prairie between the creeks.
Q On which side of the Verdigris was it? On what side?
Q Was that on the east or west of the Verdigris? A On the east side of the Verdigris.
Q Would that put it on the west side of Snow Creek? A It was in the forks of Snow Creek.
Q In the forks of Snow Creek and the Verdigris River? A No sir, in the forks of Snow Creek.
Q Were there two prongs of Snow Creek? A Yes sir.
Q How far from the mouth of Snow Creek were these two prongs? A About 6 miles.
Q Did the different prongs of Snow Creek have any name? A I don't know as they did, called it all Snow Creek.

Q And it was in there that Canada was putting up hay? A It was in the forks of that place he was putting up hay.
Q Did he have a mowing machine? A Yes sir.
Q Put up a lot of hay there? A Yes sir.
Q And he had these people working for him? A Yes sir.
Q Did you know Dick Whitmire? A I knowed him just as well as I know any man in this house.
Q Was he married at the time? A His wife was dead.
Q His wife was then dead? A Yes sir.
Q He had been married? A Yes sir.
Q Did she die down there in that country? A No sir, I don't think she did, I think she died up in Kansas.
Q Did she die before they come back? A I don't know.
Q Where was Mose Whitmire's wife? A His wife was here.
Q Where was Mose and his wife living at that time? A On Big Creek I think.
Q And how far from this Snow Creek country at that time? A He was, well it can't be over 8 miles I don't think over to Snow Creek.
Q You knew Mose and his wife? A I didn't know his wife then but I know her now.
Q You knew he had a wife? A Yes sir.
Q And you knew where Mose was living at that time? A I knew where he said he was living.
Q Had you ever seen Mose before? A Yes sir.
Q I mean after the war and before this time? A I don't understand you Mr. Hastings.
Q Did you see Mose Whitmire after the war and before the time you saw him putting up hay for Jack Canada? A I seen him before the time he was putting up hay for Jack Canada.
Q Where? A I think as I come from Fort Scott.
Q Did you ever see him in the Cherokee Nation before this after the war? A Yes sir.
Q Where? A Seen him there at my house. There every week going over to Parker our place of trading.
Q Going from where he lived? A Yessir, from Big Creek to Parker.
Q Now that was before you saw him working for Jack Canada? A I saw him at Jack Canada's before that.
Q I am asking you these times you saw Mose Whitmire were after the war and in the Cherokee nation and before you saw him working for Jack Canada? A Before the war at Jack Canada?
Q I am not asking you about that time I am asking you about Mose Whitmire in the Cherokee Nation after the war and before you saw him up here putting up hay for Jack Canada? A Did I see him in here.
Q Yes? A That was the first place I ever seen him.
Q You hadn't seen him pass your house before that? A That was after that.
Q Before that? A No sir, because West Centralia wasn't there and Parker wasn't there.
Q I am asking you if you saw him? A No sir.
Q Had you ever seen Dick Whitmire before that in the Cherokee Nation and after the war? A Yes sir, I seen him down here on Pryor Creek when I was hunting cattle.
Q Now whose place did you see him at before you saw him at Jack Canada's? A No sir.
Q Before you saw him working for Jack Canada had you seen Dick Whitmire? A I hadn't seen him.
Q Had you seen him before that? A No sir, that was where I saw him first.
Q Had you seen George Waiger? A I hadn't seen him until I saw him there.
Q Do you know where George was living at that time? A On Big Creek.
Q How long had he been living on Big Creek? A I don't know sir.
Q Was George married at that time? A He was married a long time [illegible] the place of my [illegible]

Q He wasn't married then? A No sir.
Q I mean George Meigs? A George Meigs wasn't married.
Q Where was George living at that time? A With his father.
Q Peter Meigs? A Yes sir.
Q With his mother too? A Mother too.
Q How far did peter meigs and his wife and George live from you at the time? A I couldn't tell you .
Q Did you know where they lived? A I know they lived on Big Creek about 8 miles from there.
Q ~~Had you been at their place previous to that time? A I had been~~ there previous to that time in the spring when I was hunting some cattle.
Q In the spring of the year before that? A In the spring before that.
Q That was the spring before you were up there and saw George May working for Jack Canada? A Yes sir.
Q Was George Meigs and Peter Meigs living there in the house there at that time? A Yes sir.
Q On Big Creek? A Yes sir.
Q And that was the spring before the next fall you saw George May up there at work for Jack Canada about which you have testified? You saw Peter Meigs and his wife and George down there at this place the spring before you saw George May working for Canada? A I saw them in the spring. I was hunting some cattle that runed away and went over to Big Creek.
Q Who else was living on Big Creek? A Sam Webber, Tuck ganders and I think Reuben.
Q That was the spring before you saw George May working for Jack Canada? A That was the spring before I saw them at Jack Canada's.
Q You say you had lost some cattle and went over on Big Creek to look for them? A Yes sir, and went over there and found them folks there.
Q When you went over there you went to Peter Meigs house? A Went past his house, seen him.
Q Whose else's house? A Sam Webber.
Q Young or old Sam? A Old Sam.
Q Did you see young Sam to? A No sir.
Q Were they living in houses? A Small log cabins.
Q About what time in the spring was it you were over there? A Along when grass was getting up pretty good.
Q Did they have any little fields put in? A I don't think they did.
Q Did you see anybody else living over there in houses besides Peter Meigs, the Webbers and Anders? A I don't think I did.
Q Did you see the Whitmires? A No sir, not then.
Q Who else was living around the Snow Creek country at the time you saw George May working up there for Jack Canada? A There was no one else but me and Amos Adair.
Q Where did Amos Adair live? A Right across Snow Creek from me.
Q How far were you living from the mouth of Snow Creek? A About 8 or 600 yards, might have been 900 yards.
Q Did you live in between Snow Creek and the Verdigris River? I lived so close in from the mouth——
Q Did you live west of Snow Creek and between Snow Creek and the Verdigris River? A Yes sir.
Q And about 900 yards north of the mouth? A Well I said 8 or 600 yards.
Q Wasn't there a trail across Snow Creek right there? A A trail across Snow Creek above me.
Q How far? A An old man Sam Albertson.
Q You be living there then? A No sir, not then, they came in the fall.

Q I have reference to the fall in which you saw them putting up hay? Was it in the fall or what time of the year was it? A It was in the fall.

Q About what time, what months? A When hay was right, somewhere along about the first of september.

Q Of 1866? A Yes sir, I think it was as near as I can come at it, the grass was green.

Q Wasn't anybody else living around there except those you have mentioned? A None that I know of except those I have mentioned. The country was pretty wild.

Q I believe you stated that George May , you saw him there that time and he left and you never saw him any more for 4 or 5 years? A That is about what I said.

Q You hadn't seen him before nor afterwards except working there for Jack Canada? A I saw him there and then again.

Q How long after that? A 4 or 5 years, must have been 3 or 4 anyway. He had got to be a man grown, and after he was a man he had him a woman.

Q When did you first ever see him located in the Cherokee Nation, living there? A Why I never seen him located in the Cherokee Nation until when there at Canada's and he was staying there then, and went away with them men I was telling about cooking for, they went up in Kansas.

Q Did you ever see him living in a house in the Cherokee Nation?

A I seen him there at Morgan's.

Q When was that? A That was while this girl then was getting to be a good big girl, could run around and talk.

Q Cynthia? A Yes sir.

Q When was the first time you ever saw her? A I couldn,t tell you saw her off and on.

Q The first time you remember laying eyes on her? A The first time she was a small girl, come over to our house to a Methodist meeting.

Q Well now when did you first see her? A I couldn't recollect.

Q How long after you saw this fellow working for jack Canada before you saw Cynthia? A Well it was about I expect two or three years.

Q Now is that your best judgment? A I think that is my best judgment.

Q In other words it was two or three years after they were all working for jack Canada putting up hay as you have testified, that you saw this applicant, Cynthia Rose? A Yes sir, to the best of my judgment.

Q Where did you see her first? A I seen her mother have her at meeting there.

Q At what place? A Snow Creek.

Q How big was she when you first saw her there, say two or three years after you had seen George May at jack Canada's? A She was big enough for her mother to let run around.

Q 3 or 4 years of age? A I expect she was about 3.

Q What was year was that you saw her at a meeting on Snow Creek?

A I couldn't tell you.

Q Couldn't tell that? A No sir, couldn't tell to save my life what year it was.

Q Now you said it was in 1866 you first saw them and then two or three years afterwards, do you think it must have been 1869, or '68 or '70 or '71 that you saw this girl when she was 3 or 4 years old? A It might have been about '70 or '70, somewhere along there.

Q Which comes first, '70 or '71? A I guess '71 comes first.

Q Which is the next year after '70? A '71.

Q How did you come 1869 or '71 that you saw this girl Cynthia with the first time? A I couldn't tell you whether it was in '71 or '72.

Q What is your best judgment about it? A My best judgment about it was about '72 I think.
Q Did it ever occur to you that this child wasn't born until 1876, four years after that when you are claiming now that you saw her when she was 3 years of age? A I don't know, I think she is older than that.
Q You are the same fellow that testified in the Mary Riley case, F D 957? A I am the same fellow. Not the Mary Riley case either.
Q It was her husband's case? A Yes sir.

BY MR. PURCEL:
Q You said I believe that after George May was working for Jack Canada that you didn't see him again for two or three years?
A Yes sir.
Q When you saw him the next time was he living with the woman Annie Lawson? A He had her for a wife.
Q Do you know how long after that this child was born? A I don't know.
Q When you first saw him living with Annie Lawson did they have the child? A No sir.
Q Do you know how long it was after you saw him living with this woman until you saw the child? A I don't know.

BY MR. HASTINGS:
Q Did you ever see George May living with his wife in the Cherokee Nation? A I told you I seen them at, I forget his name, the woman shelived with Mrs. -- anyhow she was living with Cynthia,--- they were staying there then.
Q Now you can tell whether you ever saw George May and his wife living together in the Cherokee Nation, and if so when and where?
A Well I told you I couldn't tell you, I can't tell you what the name of the people where they were stopping,---at Cynthia Morgan's, I seen them there.
Q They were just there at their house? A They were stopping there.
Q Did George May and his wife ever occupy a house in the Cherokee Nation? A I don't know.
Q When did you see them at Morgans after you saw him at Canada's?
A Yes sir, after I saw them there.
Q How long afterwards? A About two or three years.
Q Did they have this girl with them then? A I think it was longer than that, might have been 4 years.
Q Did she have Cynthia then? A They had her.
Q Don't you know Cynthia wasn't born according to her own testimony at that time? A She was there.
Q You never did see them at their own house in the Cherokee Nation?
A No sir.

W I T N E S S E X C U S E D .

JOHN BALDRIDGE, being first duly sworn, testified as follows:

BY MR. PURCEL:
Q What is your name? A John Baldridge.
Q How old are you? A I am about 74 years old now.
Q Where do you live? A I live way up in Choctaw District.
Q Near what town? A Coffeyville.
Q About how far from Coffeyville? A About 8 miles.
Q South? A Yes sir.
Q Do you know the applicant in this case Cynthia Jones? A Yes sir.
Q Did you know her father? A Yes sir.
Q What was her father's name? A George May.
Q How long did you know George May, when did you first know him? A I knowed his mother when he was a little boy.

Q Where was she then? A At Neosho Falls in the time of the war. He was just a little boy then.
Q Now when did you first see George May after the war and where?
A He went from Neosho Falls in the year 186---, when the war closed. The war closed in the year '65,--and he went up the river and his mother went yonder way with him.
Q Did you see George May at Fort Gibson in 1865? A I saw his parents he was nothing but a boy then.
Q Well you saw George was just a boy then? A Yes sir.
Q When did you see George May after you saw his people at Fort Gibson? A I was up there. We went from Fort Gibson in the year 1866 after some people that stole a lot of cattle way up the Verdigris and we tracked them from Verdigris up Snow Creek, that was the latter part of '66, and I saw him up there.
Q Where was he up there? A He was working at a man's place where they were cutting a lot of hay, Canada-I believe is the man's name.
Q Was that on Snow Creek? A Yes sir.
Q How far above the mouth of Snow Creek was that? A Snow Creek runs into Verdigris about 3 or 4 miles from the State line.
Q And they were cutting hay up there? A Yes sir.
Q Who else did you see up there? A Lots of them there, but I never kept them on my mind, lot of state people working there. Some of those Whitmire boys but I never paid particular attention to them.
Q Do you know Stephen Little? A Yes sir.
Q Was he up there? A Yes sir, he was up there.
Q Where was he building? A Right on Snow Creek.
Q What part of Snow Creek was he living on? A Between Canada's place and the River.
Q Do you know how close to the River? A I guess about a mile, maybe two, I never particularly located him.
Q He was down below Canada's place? A Yes sir.
Q How long were you up there? A Well I have been up there ever since. Back and forth all the time.
Q You were not living up there then? A No sir, lived here at Fort Gibson.
Q When did you move up there? A In the year 1874 and '75.
Q Did you ever see George way up there after you moved up there?
A Yes sir, shortly after I moved up there and built in the neighborhood of Coffeyville he came down.
Q What was inside of the Territory? A Yes sir, right at Geesmack Bend.
Q Was he living with a woman then? A Had a woman with him.
Q Did they have a child? A No sir, she was just as fat as she could walk, her name was Annie.
Q Was a child born to them while they were living together? A Yes sir.
Q Is that child the applicant in this case, Cynthia Ann? A Yes sir.
Q How long has it been since you saw her? A About a year since I saw her.
Q Did you recognized her as being the same girl? A I knew her frequently.
Q Are you a Cherokee freedman? A Yes sir.
Q On the approved roll? A Yes sir.

XX MR. [illegible]:
Q Were you ever closed up in the Courts and convicted of anything?
A Yes sir.
Q What were you convicted of? A Larceny cattle.
Q Where? A Fort Smith.
Q Were you ever convicted any of anything else? A I was convicted one time at Claremore.

Q Were you ever convicted of anything else? A No sir.
Q Are you the same John Baldridge that testified in the Rachel Gunter case, Freedman doubtful 465? A I don't remember, I might.
Q She was the wife of Lewis Gunter? A No sir.
Q Well you are the same person that was bred and born in the year 1830 in Georgia? A Yes sir.
Q Well did you know Lewis Gunter? A I used to know him.
Q When was the first time you ever saw him after the war? A I just naturally couldn't locate it, I aint got my mind on it.
Q was it a great number of years or a few years ago? A Well it has been 3 or 4 years, or maybe longer.
Q When was the first time you ever saw him after the war? A I never had missed him, off and on right on up.
Q When was the first time you ever saw him after the war? A I disremember now. Of course I never located anything right close. You ask me questions and I search them up.
Q Now give us your recollection? A I couldn't do it now because my mind has never been on that.
Q How many years after the war was it, as many as 10 years? A I couldn't tell you exactly to be sure just how long after the war now. Of course I never kept any record of it particularly.
Q And you couldn't testify them as to when you first saw Lewis Gunter after the war? A I could by studying it over.
Q You don't know whether you testified in that case? A I remember of testifying for some Gunter but I don't remember just what year now.
Q Then you would not testify now as to when you saw Lewis Gunter after the war? A I couldn't tell you now because I aint interested in it now.
Q You don't know whether it was 5 or 10 or 20 years before you saw him after the war? A I never had particularly missed him after the war, from slave time until he died.
Q Are you willing to testify when you saw him after the war? A I couldn't do it, I aint subpoened for that.
Q Are you the same John Baldridge who testified in the Mary Norwood case, F. D/ 523? A Yes sir.
Q That was at Chelsea on June 6, 1901? A I don't know, I never have made up my mind to find out what time that was. I remember swearing for her some years ago.
Q Well did you say at that time where you first saw Mary Norwood at that time and when? A I don't remember, my mind aint up on these dates, don't you know.
Q how do you know when and where you saw her? A I could find out by consulting my mind if I was called for that business.
Q Are you the same John Baldridge who testified in the case of William H. Buffington, Freedman doubtful 555? A Yes sir, I am the man.
Q You testified at Chelsea on June 6, 1901? A I don't know, maybe I did. I know I swore for his mother.
Q Where did you swear that you first saw William H. Buffington after the war? A I disremember.
Q You are not ready to testify about that? A No sir, I aint been called for that business, but then if I am called for it I can go home and find out when it was.
Q You can't consult your mind now and tell it? A No sir.
Q Are you the same man that testified in the case of Phyllis Dayte, F D 802? A Yes sir, she used to be my woman than days.
Q Where did you testify where you first saw her after the war? A I disremember.
Q You can't recollect that either? A In the year '66 she was with the refugees.

Q you never saw her in the Cherokee Nation in 1866? A Yes sir.
Q Where? A Fort Gibson.
Q Well I believe that you have testified that you were convicted of larceny in the United States Court and the Cherokee Courts? A Yes sir, I was convicted and pardoned,--acquitted, --pardoned.
Q Who did you see living around upon the mouth of Snow Creek at the time that you testified that you saw George May? A Well there wasn't many people up there, lots of cattle people. Particularly I know he was up there, I was particularly acquainted with him.
Q Give the names of these people? A I can't give the names, -- Canada was all I know up there particularly of him.
Q Did you know anybody down on Big Creek? A I wasn't very well acquainted down there.
Q You didn't stop down there at the time you saw George May? A Whitmire boys were there.
Q Which ones? A I couldn't tell you, and George Meigs was up there.
Q You saw him? A Yes sir.
Q Where did he live at that time? A Down on Big Creek somewhere.
Q With his father and mother? A I suppose so.
Q Did you see his wife? A Who.
Q George? A No sir.
Q Did you see Rose Whitmire on that trip? A He was there in camp, where they were all camped there.
Q Did you see Dick Whitmire? A I believe he was there. We were boys together, of course I was on business particular.
Q What business were you on? A Following up a cattle thief.
Q What was the fellows name? A Buck Brady and Dick Gruner.
Q Did you catch them? A Buck Brady got away but we got Gruner and put him in Fort Smith Jail.
Q Where did you catch Gruner? A In Fort Smith.
Q Did you see any settlement down on Snow Creek? A Saw houses but not any settlements.
Q Did you see any colored people in houses along down that Creek?
A I disremember, I can only tell you what I did see, I saw old man Duffin and old man Webber, he was there and old Reuben Sanders, he was there.
Q Living in houses? A No sir, not living in houses.
Q Had their families there? A I don't know, they were all camped down on the Creek. We were camped there and they come down to where we were camped, I was with the Light Horse, went from Fort Gibson.
Q What direction from the mouth of Snow Creek did Stephen Little live? A On the east side of Verdigris.
Q And how far from the mouth of Snow Creek, about three miles? A No sir, it might be a mile or two miles, just a little ways.
Q How far did he live from Snow Creek? A Right on the bank of Snow Creek.
Q How far from where he lived to where Jack Canada lived? A I guess about 4 miles.
Q On north? A Right up Snow Creek, you see there is timber right up Snow Creek and prairie on either side, and houses are right down in the timber.
Q Put down there so they couldn't see them? A I couldn't tell you that.
Q When did you first see George May living in a house in the Cherokee Nation? A I don't remember, I never located that at all.
Q Did he ever at any time? A I don't know to be sure. I don't remember about his house but I used him there in the locality.
Q I am asking you if you ever saw him living in a house in the Cherokee nation? A Why he used to live with his father at that time.
Q What was his name? A Meigs, John Meigs we called him.
Q Where did he live there, on the south of Snow Creek? A He lived on Big Creek.

Q How far fromthe mouth of Snow Creek? A About 10 or 12 miles.
W When did you first see George May living down there? A He was living on Big Creek when I went up there in the year 1863 and '64.
Q You mean 1873 and '74? A I moved away from Fort Gibson in the year '63 and '4.
Q You mean '73 and '74? A Maybe that is it.
Q Was George May living up there on Big Creek then? A Yes sir.
Q Well did you ever see George and his wife living together in a house and keeping house in the Cherokee Nation after George and this woman took up together, who is the mother of Cynthia? A No sir, just lived about just like a great many people do now.

W I T N E S S E X C U S E D .

Mr. Hastings: For the purpose of impeaching the witness who testified just now the Cherokee Nation offers in evidence the applications and the testimony in the citizenship case of Lewis Whitmire vs. The Cherokee Nation, and Moses Whitmire, vs. The Cherokee Nation taken before the Citizenship Court on June 21, 1878, and the testimony in support thereof said applications being found on pages 164 and 165 and top of 166 in Book B, Citizenship Record, in which were kept the records of the Chambers Court and the testimony in support there of found on, beginning on page 239, being case No. 60, and including pages 239 to 247, of Register of Evidence before Court of Commission, Chambers Court , Book A.

Mr. Purcel: The applicant objects to the introduction of these records as testimony in this case for the reason that they are immaterial, incompetent and irrelevant.

On Behalf of the Commissioner: The objections will be overruled and the records introduced.

Mr. Hastings: For the purpose of further impeaching the testimony of the two witnesses today, the Cherokee Nation asks that reference be made to the decision of the Commission in the cases of Daniel Whitmire, F D 434 and Luella Sneden, F D 997, wherein the time of the return of the Webbers, Sanders, and Meigs have been judicially found.

Mr. Purcel: The applicant objects to the taking of these cases into consideration for the reason that they are incompetent and immaterial and have no bearing in this case.

On Behalf of the Commissioner: The objection will be noted and the request of the Attorney for the Cherokee Nation will be duly considered when a decision is rendered in this case.

Mr. Hastings: For the purpose of further contradicting and impeaching the witness, Stephen Little, the Cherokee Nation asks that reference be made to his testimony in the cases of F D 967, being that of Mary Riley, and for the purpose of further impeaching the witness John Baldridge, in addition to the fact that he confesses of having been convicted of larceny twice we ask that reference be made to his testimony in the following cases: Freedman Doubtful cases: F D 440, Rachel Bunney, F D 440, Mary Harwood, F D 440, William Harrington, F D 440, Matilda Harrington

Mr. Parcel: The applicant objects to reference of any of these cases cited by the Attorney for the Nation for the reason that they have no bearing in this case and are incompetent and immaterial.

On Behalf of the Commissioner: The objection will be noted.

The Attorneys for applicant and the Cherokee Nation announce that they have no further testimony to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 2nd day of August, 1906.

Chas. E. Hebert

Notary Public.

G7B

COPY.

Cherokee Freedmen D 792 (new R 736)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Ross and Beatrice Williams as Cherokee freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory on June 21, 1901, John Henry Ross appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife, Cynthia Ross, and her minor daughter, Beatrice Williams, as Cherokee freedmen. A copy of the testimony taken at Muskogee, Indian Territory on April 29, 1902, in the matter of the application for the enrollment of David Martin, et al., as Cherokee freedmen is filed with and made a part of the record in this case. The records further show that on August 28, 1904, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen and that on October 3, 1904, (I.T.D. 7369-1904) its action was approved by the Department. Thereafter on May 21, 1906 (I.T.D. 2068-1906) a motion to reopen said case having been filed on behalf of the applicants, the Department recalled said case to this office for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on June 22, and July 12, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein were born in the Cherokee Nation about 1884; that they are descendants of one George Ray (or Lambert) deceased, and neither claims nor possess any right to enrollment as Cherokee freedmen other than as his descendants. The evidence further shows that the said George Ray (or Lambert) deceased, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion he left the Cherokee Nation and after said war had been ended, it is not by satisfactory evidence established that he returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1902, in the case of Thomas Vallier, Trustee, etc., vs. The Cherokee Nation, et al., for the record of freedmen in said Nation. Prior the application for the enrollment of Cynthia Ross and Beatrice

Williams as Cherokee freedmen comes within the rulings of the Department in the cases of Eliza J. Bryant, et al. (I.T.D.544-1904), Ed Williams (I.T. D.4230-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan, et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D.2296-1904), Moses Ross (I.T.D.6056-1904), Florence Bratcher (I.T.D.12692-1904) and Frankie Grimmett (I.T.D. 17902-1905). Neither the applicants herein, nor the ancestors through whom they claim can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) Cynthia Ross and Beatrice Williams are not entitled to enrollment as Cherokee freedmen and their application for enrollment as such is accordingly denied.

Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory

this OCT 1 [illegible]

Cherokee F D 792.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Ross as a freedman citizen of the Cherokee Nation.

Reply of the Cherokee Nation to the
Motion to Reopen.

The [illegible] Cherokee Nation [illegible] reply to the motion [illegible] respectfully [illegible] that the decision [illegible] Five Civilized Tribes dated August [illegible], 1904, [illegible] Secretary of the Interior October 5, 1904, is correct [illegible]. The [illegible] Cherokee Nation [illegible] of applicant [illegible] she could not [illegible] proceed, besides it [illegible] Commissioner [illegible] Five Civilized Tribes [illegible] of the Interior, [illegible] to hear the [illegible] and to file evidence [illegible] diligence had been used [illegible] to procure the testimony as was necessary for the proper presentation of her application. It is contended on the part of the Cherokee Nation that it [illegible] to reopen [illegible] should be required to serve them with notice [illegible] to enable and give authority [illegible] in order that the witnesses [illegible] to present and cross examine.

Applicant in this case has filed the affidavits of Leander Dean, Arthur Dean [illegible] and John Bainbridge in support of her motion to reopen, while affidavits of Arthur Dean, Stephen Little and John Bainbridge appear to be signed by mark and are of an indefinite character.

It is the same old story in all of these motions to reopen. The professional or standing witnesses are called upon and without any opportunity of the representatives of the Cherokee Nation to crossexamine them an affidavit is taken, signed by mark, and witnessed by some one who is interested in the case, and in many instances the affidavits are drawn hastily and the witnesses sign or [illegible] the same without any opportunity to have the facts properly brought before them and to show them the responsibility resting upon them in giving such affidavits.

We are [illegible] to mention John Lafferque and Stopher Little, [illegible] who are perfectly familiar with their records and know [illegible] that they were there in an affidavit [illegible], and in these affidavits no opportunity to cross [illegible] [illegible] affidavits necessary to [illegible] in this case. We most earnestly [illegible] the practice [illegible] these cases upon the affidavits of applicants taken practically ex parte without the representatives of the Cherokee [illegible] opportunity to cross examine the witnesses. There is [illegible] satisfactory to [illegible] that certain testimony [illegible] material to [illegible] some [illegible] witnesses, or the testimony [illegible] submitted to the Department in support of a motion to reopen should be carefully [illegible] that all parties are represented. If this practice could be established in many instances [illegible] would not be made, because the parties [illegible] as positively to their statements, when cross-examined, [illegible] as affiant in a private office [illegible] where both parties are not represented.

We respectfully submit that the motion to reopen does not show sufficient diligence [illegible] part of [illegible] applicant to entitle her to have her case reopened, and it does not show that it is newly discovered evidence, [illegible] did not know of the residence of these witnesses and could not learn of it until after the case is closed. It is a known fact that [illegible] Bear, Stephen Little and John Bainbridge have been living [illegible] years; in fact, Stephen Little is known [illegible] as a troublesome, [illegible] man to [illegible] truth. John [illegible] the [illegible] which [illegible] records and [illegible] witnesses who [illegible] cents thereof, [illegible] to [illegible]

[illegible]

[illegible]tion.

DEPARTMENT OF THE INTERIOR OF THE UNITED STATES, BEFORE THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES OF INDIANS.

In-re The application of Cynthia Ross to be placed on the rolls as a Cherokee Freedman Citizen. (Cherokee Freedman R. 756, transfered from Cherokee Freedman D.792)	NOTICE OF FILING MOTION.

To
The Cherokee Nation, and
Hon. W. W. Hastings, Attorney
for the Cherokee Nation.

You will hereby take notice that we will this day file with the Department of the Interior of the United States a motion of Cynthia Ross to re-open the above case.

Said motion is supported by the affidavits of Leander Bean, Arthur Bean, Stephen Little and John Baldridge.

A true and correct copy of said motion, and true and correct copies of the affidavits of the said Leander Bean, Arthur Bean, Stephen Little and John Baldridge are hereto attached and made parts of this notice.

Dated at Muskogee, I. T. this 28th, day of April, 1906.

Baker, Pearson & Hockett

Attorneys for Cynthia Ross.

Received the above notice this _____ day of April, 1906.

_____

Attorney for the Cherokee Nation.

"Copy"

DEPARTMENT OF THE INTERIOR OF THE UNITED STATES, BEFORE THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES OF INDIANS.

In-re The application of Cynthia Ross to be placed on the rolls as a Cherokee Freedman Citizen. (Cherokee Freedman R. 736, transfered from Cherokee Freedman D.792)	MOTION TO REOPEN CASE.

To The Honorable Secretary of The Interior:

Your petitioner, Cynthia Ross, respectfully represents that on June 21st, 1901, she made application to be placed on the rolls as a Cherokee Freedman Citizen, that on August 25th, 1904, the Honorable Commission to the Five Civilized Tribes rendered their decision refusing to place her name on said roll which decision was approved by the Honorable Secretary of the Interior October 3rd, 1904.

Your petitioner further represents that she has, since the rendering of the above decision, obtained additional evidence showing her right to be placed on the Cherokee Freedman Roll and asks that her case may be reopened in order that she may introduce such testimony.

The testimony which your petitioner will introduce is the testimony of Leander Bean and Arthur Bean that her father, George Nage, was a slave of Tom and Pauline Landrum, Cherokee Citizens by blood, prior to the war, the nature and substance of which testimony is shown by the affidavits of the said Leander Bean and Arthur Bean, hereto attached and marked "Exhibits A & B" respectively. And the testimony of John Baldridge and Stephen Little that her father had returned to and was a resident of the Indian Territory prior to February 11th, 1867, the nature and substance

of which testimony is shown by the affidavits of the said Stephen Little and John Baldridge, hereto attached and marked "Exhibits C & D" respectively.

Wherefore your petitioner asks that her case may be reopened and referred to the Honorable Commissioner to the Five Civilized Tribes of Indians for the taking of the testimony of the parties whose affidavits are hereto attached and such other persons as the Honorable Commissioner may desire brought before him.

Respectfully submitted.

Cynthia Ross

By Baker, Purnell & Hankins

Her Attorneys.

United States of America,

Western District, Indian Territory. SS

Cynthia Ross being first duly sworn says that she is the petitioner in the foregoing case, that she has read the foregoing motion and that the allegations contained therein are true, as she verily believes.

Witnesses William H. Ross
Eugene C. Pickett

Cynthia Ross

Sworn to before me and in my presence subscribed this 24th day of April, 1906.

John R. Parker
Notary Public.

My commission expires [illegible]

Notary Seal

Copy

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.

ss-

Leander Bean being first duly sworn deposes and sayes oath:

That he is 55 years old and is an approved Cherokee Freedmen Citizen. That prior to the was he was a slave of and owned by Washington Adair ~~a full~~ a half blood ~~citizen~~ of the Cherokee Tribe of Indians; that he lived with said Washington Adair in Saline District, Cherokee Nation, Indian Territory.

That affiant was personally well acquainted with George Mayes that said George Mayes was prior to the war, a slave of and owned by Tom and Caroline Landrum citizens by blood of the Cherokee Tribe of Indians. He also lived in Saline District, Cherokee, Nation Indian Territory, and not more than two miles from this affiant. That he knew said George Mayes for several years before the war, that they were boys together and saw each other often and that their respective owners were related to each other.

That during the war of the Rebellion he saw and knew said George Mayes in Bourbon County Kansas about twenty miles from Fort Scott, Kansas near Mound City in said County. The affiant left the state of Kansas and came to the Indian Territory, reaching the Cherokee Nation on the 2d day of October, 1866 and that soon after October 2d 1866, he saw said George Mayes at Gooseneck Bend in the said Cherokee Nation. Affiant further says that he is a cousin of Arthur Bean.

Further deponent sayeth not.

Leander Bean

Sworn to before me and in my presence at Muskogee, Indian Territory, This 8th day of December, 1893.

[illegible]
Notary Public

My commission expires [illegible] 1896

[illegible]

"Copy"

United States of America,

Western District, Indian Territory. ss.

Arthur Bean, being first duly sworn, deposeth and says, that he is sixty-three (63) years old, and is an approved Cherokee Freedman Citizen. That pryor to the war he was a slave of, and owned by, washington Adair, a citizen by blood of the Cherokee Tribe of Indians , and lived with said washington Adair, in Saline District, Cherokee Nation, Indian Territory.

That he was personally well acquainted with George Mayes, that said George mayes was, pryor to the war, a slave of, and owned by, Tom and Paulina Landrum, citizens by blood of the Cherokee Tribe of Indians, and lived in Saline District, Cherokee Nation, Indian Territory, about two miles from this deponent.

That he knew said George Mayes for a number of years before the war, that they were boys together and saw each other often, and that their respective owners were related to each other.

That during the war he saw and knew the said George Mayes in Bourbon County, Kansas, about twenty miles north of Ft. Scott, Kansas. That the last time he saw said George Mayes was in said Bourbon County, Kansas, during the summer of 1866.

Further this deponent saieth not:

Witness X mark
Sam Foster
Geo W Fogatt

his
Arthur X Bean
mark

Sworn to before me and in my presence subscribed, by the said Arthur Bean, at Muskogee, I. T. this 20th, day of November, A. D., 1902.

Geo W Fogatt
Notary Public within and for the
Western District, Indian Territory.

My commission expires July 11 1906

Filed

United States of America,

Indian Territory, SS.

Northern District.

Stephen Little, of lawful age first being duly sworn on oath deposes and says that he is 82 years of age, and that his Pots Office address is Lenapah, Indian Territory, and that he saw George Mays, the father of Cintha Ross, in the Cherokee Nation Indian Territory in the year of 1866. on Snow Creek putting up hay in the employ of a man by the name of Jack Canada, and that afterwards he knew of the said George Mays, being married to a woman by the name of Annie Lawson, and that he knows that the said Cintha Ross, was their child, and was the daughter of the said George Mays.

Witnesses to mark.

James French
John Buffington

Stephen his x mark Little

Subscribed and sworn to before me this 12th. day of April 1906.

W. R. Twichell

Notary Public.

Notary Seal

My commission expires,
October 24th-1909.

"Exhibit C"

United States of America,

Indian Territory, SS.

Northern District.

John Baldridge, of lawfull age frist being duly sworn on oath deposes and says that he is 76 years of age, and that his Post Office address is Coffeyville Kansas, and that he knew George Mays, who lived in the Cherokee Nation Indian Territory on Snow Creek in the year 1866. and that he knew of the said George Mays marrying a woman by the name of Annie Lawson, and that there was borned to them a female child who was named Cintha, and that her present name is Cintha Ross, and that she is identified on the Cherokee freedman roll in the Cherokee Nation as Cintha Way, and that he knows she is the child and daughter of the said George way.

John his x mark Baldridge

Witness to his mark.
James French
John Buffington

Subscribed and sworn to before me this 12th. day of April 1906.

W. R. Twichell

Notary Public.

.....
NOTARY SEAL :
.....

My Commission expires
October 24th-1908.

7444

Ef. 10 792

Proof of Service made
and [illegible] this 1st
[illegible]

SEP 30 1901

NOTICE!

IN THE MATTER OF the application of Cynthia Ross for enrollment as Cherokee Freedmen:

Case No. I. D. 792

To Cynthia Ross Talala I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R Bell

M. M. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-792

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Cynthia Ross and her daughter, Beatrice Williams, as Cherokee freedman, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

-COPY-

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.22202
I.T.D.8860-1906.

L.R.S.

May 31, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On May 8, 1906, you transmitted a motion to reopen the Cherokee freedman case of Cynthia Ross. You also transmitted the reply of the Cherokee Nation to the said motion, together with the record of the case.

You state that an examination of the records of your office fails to satisfactorily identify George May or Landrum deceased, alleged father of the applicant, on any of the Cherokee tribal rolls, but in view of the fact that the applicant has never appeared before the Commission to the Five Civilized Tribes in person, and the meager and unsatisfactory proceedings heretofore had in the case of said Cynthia Ross, you recommend that the motion inclosed be granted and the case remanded to permit the applicant to introduce competent evidence to establish the allegations set out in said motion and its supporting affidavits.

In view of the unsatisfactory proceedings heretofore had in this case, the motion to reopen the case of Cynthia Ross, Cherokee freedman (R. 734), is hereby granted. The record is

returned and you will permit the applicant and the Cherokee Nation to introduce such competent evidence as they may see fit relative to the identity of the said George May or Landrum, deceased.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

2 inclosures.

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R 736

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 9, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 31, granting a motion to reopen the Cherokee Freedmen Enrollment case of Cynthia Ross et al., filed by attorneys for applicants in said case, and remanding the case to this office for further hearing and readjudication.

Cynthia Ross has this day been notified that she will be permitted to appear before the offices of the Commissioner on Thursday, June 28, 1906, at nine o'clock, A.M. and introduce testimony tending to prove the right of herself and children to enrollment as Cherokee freedmen. There have been filed in support of the motion to reopen this case the affidavits of Leander Green, Arthur Dean, Stephen Little and John Baldridge, and Cynthia Ross has been directed to

have them present before the offices of the Commissioner on that date in order that their testimony may be taken in her case.

The Cherokee Nation will also be permitted to appear on the above date and introduce such testimony as it desires in this case.

For your information a copy of Departmental letter referred to is herewith enclosed.

Respectfully,

Commissioner

LKB

Encl. B-23

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F R 736

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There are inclosed herewith copies of supplemental testimony taken at Muskogee, Indian Territory, on June 28 and July 12, 1906, in the matter of the application for the enrollment of Cynthia Ross, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. CL-2.
GEL.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 736

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1906, rejecting the application of Cynthia Ross for the enrollment of herself and child, Beatrice Williams, as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior, for his review and decision. The Secretary's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. E.J.-32.
E.J.C.

(COPY)

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.10328-1907.

I.T.D.3436-1907.

February 18, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 87161-1906), copy whereof is inclosed for your information, your decision of October 2, 1906, denying the application for the enrollment of Cynthia Ross and her minor daughter, Beatrice Williams, as Cherokee freedman is hereby affirmed.

You will advise applicants and their attorneys of this action.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc. and 2 to Ind. Of.

~~S.F.Mc.~~
~~2-1907.~~

(COPY)

Land.
87161-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 31, 1906 (I.T.D.8860) there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, transmitting the record relative to the application for the enrollment of Cynthia Ross and her minor daughter, Beatrice Williams, as Cherokee freedmen. On October 2, 1906, the Commissioner held that the applicants were not entitled to enrollment.

The evidence shows that the applicants were born in the Cherokee Nation since 1866; that they are descendants of one George May (or Landrum) deceased, and that they claim their right to enrollment as his descendants. The evidence further shows that George May (or Landrum) was the slave of a Cherokee citizen at the time of the war of the rebellion; that during the war he left the Cherokee Nation, but it is not established that he returned and took up his residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee etc., vs. the Cherokee Nation.

Neither the applicants nor the ancestor through whom they claim, can be identified on the Cherokee authenticated tribal roll of 1880. Under the provisions of the Act of April 26, 1906 (34 Stat.L.137), the applicants are not entitled to enrollment. It is therefore recommended that the decision of the Commissioner adverse to the applicants be approved.

Very respectfully,
E. B. Sievers,
Acting Commissioner.

S.P.E. - EL

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 736.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 2, 1906, rejecting the application for the enrollment of Cynthia Ross and her minor child, Beatrice Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 18, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-2
LMC

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OF
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